BOUSFIELDS INC.

Planning & Urban Design Rationale



2020 Lakeshore Road

City of Burlington

Prepared For

Burlington 2020 Lakeshore Inc.

October 2021

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Job Number
17323

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Table of Contents

1 Introduction 1

2 Site & Surroundings 3

2.1 Subject Site 4
2.2 Area Context 8
2.3 Immediate Surroundings 12
2.4 Surrounding and Nearby Development Applications 19
2.5 Transportation Network 23

3 Proposal 25

3.1 Description of Proposal 26
3.2 Key Statistics 37
3.3 Required Approvals 38

4 Policy & Regulatory Context 39

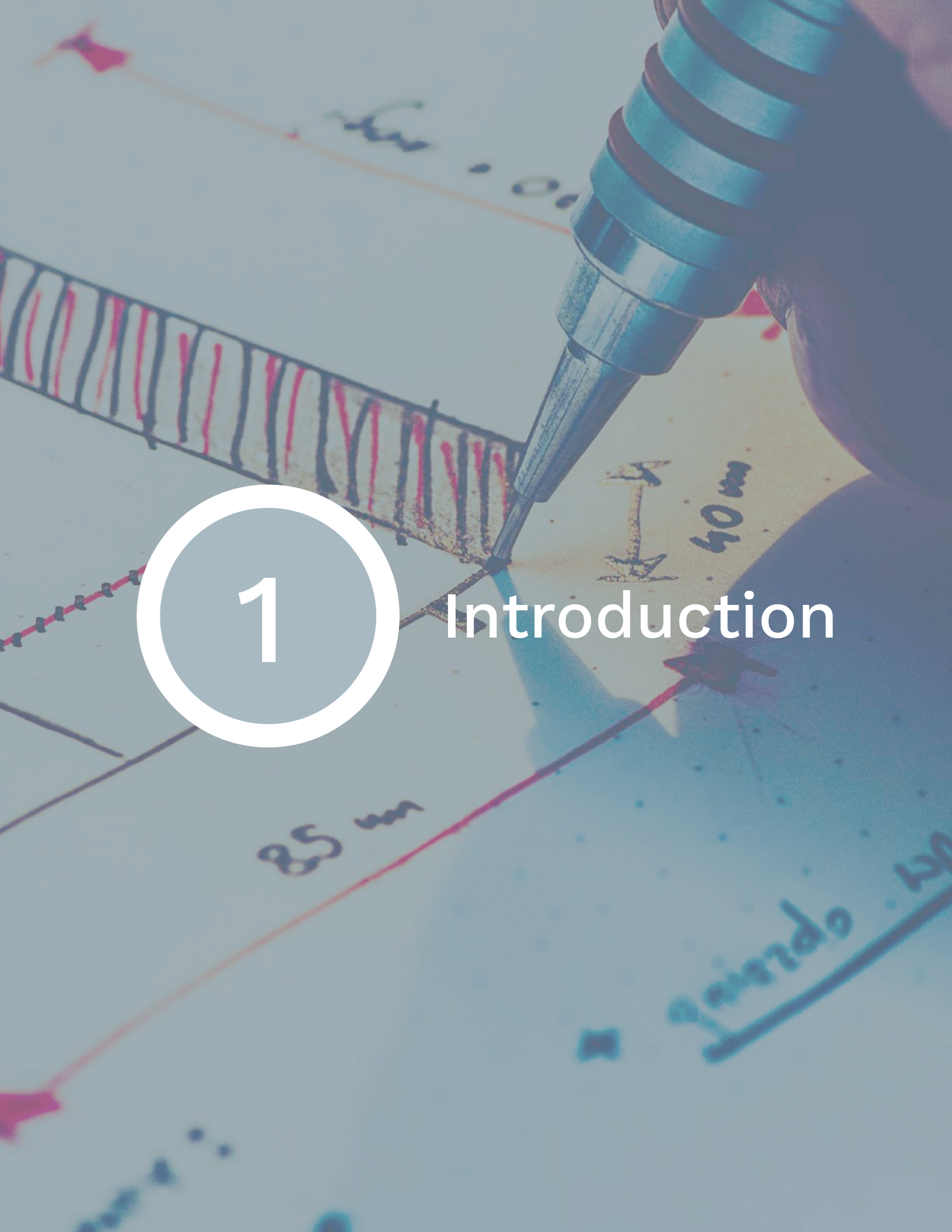
4.1 Provincial Policy Statement (2020) 40
4.2 Growth Plan for the Greater Golden Horseshoe (2020) 43
4.3 Halton Regional Official Plan (2018 Office Consolidation) 49
4.4 Halton Regional Official Plan Review (ROPR) 56
4.5 Regional Official Plan Amendment 48 56
4.6 City of Burlington Official Plan 59
4.7 Interim Control By-law 70
4.8 Official Plan Amendment 119 71
4.9 New City of Burlington Official Plan (Under Appeal) 74
4.10 Burlington Waterfront Hotel Planning Study 84
4.11 City of Burlington Zoning By-law 2020 87
4.12 Downtown Urban Design Guidelines (October 2006) 89
4.13 Tall Building Design Guidelines (May 2017) 93
4.14 Sustainable Building and Development Guidelines (April 2019) 97
4.15 Downtown Streetscape Guidelines (September 2019) 98
4.16 Shadow and Pedestrian Level Wind Study Guidelines (June 2020) 98

5 Planning & Urban Design Analysis 101

5.1 Pre- Application Consultation 102
5.2 Intensification 108
5.3 Land Use 111
5.4 Height, Massing, and Density 114
5.5 Built Form Impacts 116
5.6 Urban Design 119
5.7 Transportation 127
5.8 Servicing, Grading and Stormwater Management 128
5.9 Noise and Vibration 129
5.10 Trees and Landscaping 131
5.11 Housing 133

6 Conclusion 134

Bousfields Inc. was retained by Burlington 2020 Lakeshore Inc. (the “Owner”) to provide planning and urban design services with respect to the proposed redevelopment of the property municipally addressed as 2020 Lakeshore Road in the City of Burlington (“subject site”).



1 Introduction

Bousfields Inc. was retained by Burlington 2020 Lakeshore Inc. (the "Owner") to provide planning and urban design services with respect to the proposed redevelopment of the property municipally addressed as 2020 Lakeshore Road in the City of Burlington ("subject site").

In order for the subject site to be redeveloped, applications for amendments to the City of Burlington's Official Plan and Zoning By-law are required in order to permit the height, density, and other built form features as proposed, and to provide a site-specific policy and regulatory framework for the site that permits the proposed development, is supportive of good planning, and which is in keeping with the current policy direction established by the Province and the Regional Municipality of Halton (the "Region").

The proposed redevelopment includes the demolition of the existing "Waterfront Hotel", and the intensification of the subject site for a new high-rise, mixed-use commercial/residential development in a 2-tower format atop a 5- to 6-storey podium. The proposal includes the creation of 557 new residential dwelling units overall, distributed within 2 towers. A 35-storey tower on the southwest portion of the site (herein referred to as the "west tower") with 317 new residential units, and a 30-storey tower on the northeast portion of the site (herein referred to as the "east tower") with 240 new residential units and 122 new hotel suites within. Both towers will rise from the top of a mixed-use podium that ranges in height from 5 to 6 storeys. The podium will contain a variety of uses and functions including lobby and entrance features, elevator shafts, storage, new offices and commercial business (e.g., retails stores and restaurants), among other things. The podium will also include a 4-storey breezeway, which when viewed from John Street, will act as a maintained view of Lake Ontario. Throughout this report, the above will be referenced as "the proposal" or the "proposed development" and encompasses the above description and that which is provided below in Section 3.0 of this report.

The purpose of this report is to provide an overall planning framework for understanding the proposal in the context of land use compatibility, urban design and built form, public interest, and the current planning policy and regulatory framework. This report provides: an overview of the site and surroundings including nearby development applications; a description of the proposal itself along with a brief planning history, key statistics, and required planning approvals; a detailed analysis of the existing and forthcoming policy and regulatory context in consideration of the proposal; an urban design analysis and brief; and finishes with a conclusion on the merits of the planning applications and the proposed development.

In our opinion, the proposed development represents an opportunity to:

- more efficiently use the subject site;
- provide for a range and mix of new housing options for the City and neighbourhood in keeping with current policy directives;
- provide for a range and mix of new commercial and tourism opportunities and businesses, thereby enhancing the economic competitiveness of the City's Downtown and providing new jobs with places to carry out those jobs; and
- enhance the built form and character of the City's waterfront and Downtown.

Overall, in our opinion, the proposed development represents good planning for the neighbourhood, the City's waterfront and Downtown, the City as a whole, and the Region.

The following provides a comprehensive planning analysis, which establishes the above opinion, and results in our recommendation in support of approval of the proposed development and related Official Plan and Zoning By-law Amendments.



2 Site & Surroundings

2.1 Subject Site

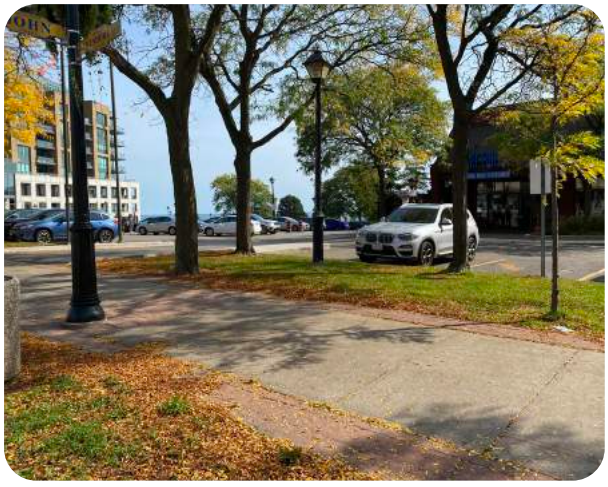
The subject site is located south-centrally within Ward 2 of the City of Burlington along the Lake Ontario shoreline, at the foot of the City's Downtown (**see Figure 1 -** Site Location Map). The site is one of the most prominent parcels of land in the City, occupying approximately 0.76 hectares (1.88 acres) of land on the south side of Lakeshore Road between Spencer Smith Park and the Downtown core. Any development on the subject site would have direct and unobstructed views of Lake Ontario and the Downtown.

The subject site is irregularly shaped with similarities to a parallelogram and sits at the south corner of Lakeshore Road and Elizabeth Street. The site has approximately 105 metres (344.5 feet) of frontage along Lakeshore Road and 50 metres (164.0 feet) of frontage along Elizabeth street. The site is bound by Lakeshore Road to the north, Elizabeth Street to the east, Spencer Smith Park and Lake Ontario to the south, and the Waterfront Trail where it meets with the terminus of Brant Street to the west. At the subject site, there are three prominent streets which terminate at the frontage of the property where they meet Lakeshore Road. These are Brant Street, John Street, and Elizabeth Street, which generally run in a northwest-southeast direction perpendicular to the shoreline and make up Burlington's main Downtown streets. When standing at the southernmost ends of these streets, the subject site is in plain view.

Currently, the subject site is occupied by the Waterfront Hotel Burlington and restaurant, which is a 6 to 7-storey mid-rise building built of red brick with teal and beige accent colours. The remainder of the subject site is comprised of surface parking, and landscaping elements including a linear row of street trees along the Lakeshore frontage. The restaurant and bar are attached to the hotel as a 2-storey wing and offers an outdoor patio with views of the Lake and Spencer Smith Park. Based on rough online measurements taken using the City's "Explore Burlington" web-mapping application, the subject site current lot coverage is approximately 27.6 percent.



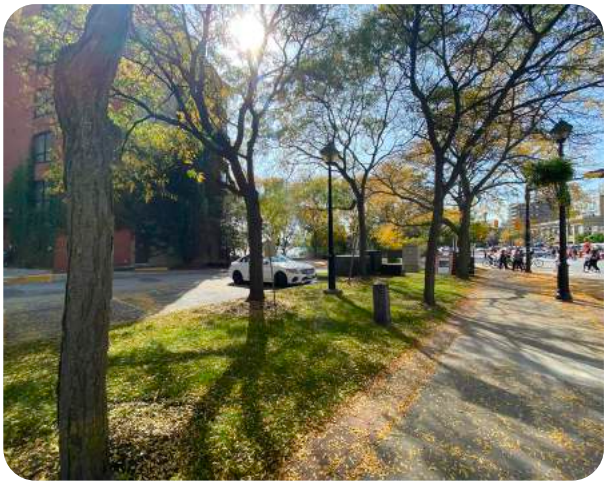
Subject Site looking East from Northwest Property Corner



Subject Site looking South from John Street terminus



Figure 1 - Site Location Map



Subject Site looking west along Lakeshore Road



Subject Site looking West from Lakeshore Road Frontage



Subject Site looking Northwest from Southeast Property Corner



Subject Site looing northwest from Terminus of Elizabeth Street



Subject Site Existing Height and Restaurant Uses



Subject Site looking north from Waterfront Trail



Subject Site looking Northeast from Waterfront Trail



Subject Site looking North East with Surrounding Building Heights



Subject Site looking East from Waterfront Trail



Subject Site looking North from Pier



Subject Site looking North from Spencer Smith Park



South West Corner of Existing Hotel

2.2 Area Context

The subject site is located at Burlington's waterfront in an area of the City referred to as "Wellington Square", which is an area within the City's Downtown currently comprised of a range and mix of uses including residential, commercial, recreational, cultural, and community uses. Based on the approved and circulating development applications for the area, Wellington Square is currently in a state of transition, as taller built forms and higher densities are being introduced (see **Figure 2** - Area Context map).

The subject site is also located within Burlington's current Urban Growth Centre, identified on Schedules B and E of the in-force Official Plan and on Schedules A-1, B, B-1, C, D, D-1, and D-2 of Burlington's new Official Plan (interim working version), which is currently under appeal.

This area generally consists of mid to high-rise residential and mixed-use building, and low-rise commercial buildings along Brant Street from Victoria Avenue/Baldwin Street to Lakeshore Road with more commercial establishments along Lakeshore Road extending mostly from Maple Avenue in the west to Torrance Street to the east. The taller residential apartment buildings are clustered around the Brant Street and Lakeshore Road and Elizabeth Street and Lakeshore Road intersections with new or recently approved tall buildings being approved within the area.

Currently, the intersections surrounding the subject site along Lakeshore Road are developed with mid- to high-density residential and mixed-use (commercial and residential) buildings, with additional proposed, approved, and under construction buildings within the vicinity as well.

Several development applications have been submitted and approved for intensification within the Downtown Urban Growth Centre, and/or are under construction including:

- 2025 Maria Street, 2030 Caroline Street, and 510 Elizabeth Street: 8-storey office building adjacent to Caroline Street, a 17-storey apartment building adjacent to Maria Street and a 6-storey parking garage in the centre;
- 2042, 2048, and 2054 Lakeshore Road: 22-storey mixed-use commercial residential condominium, a 7- storey mixed-use commercial residential condominium, and an 8- storey hotel under construction ("Pearle Hotel");
- 374 Martha Street: 26-storey mixed-use commercial residential condominium;
- 421-431 Brant Street: 27-storey mixed-use commercial residential condominium building;
- 452-454 Locust Street and 1437-1445 Elgin Street: 6-storey mixed-use commercial residential building

In addition to the already approved and/or under construction developments, recent developments that have been proposed including:

- 2107 Old Lakeshore Road and 2119 Lakeshore Road: 27-storey mixed-use commercial residential with 5 levels of underground parking;
- 2093, 2097 and 2101 Old Lakeshore Road, 2096 and 2100 Lakeshore Road: 27-storey mixed-use commercial residential with 4 levels of underground parking;
- 2069-2079 Lakeshore Road and 383-385 Pearl Street: 29-storey mixed-use commercial residential building with 5 levels of underground parking;
- 2082, 2086 and 2090 James Street: 18-storey residential condominium with 4 levels of underground parking;
- 401-413 Brant Street, 444-450 John Street, and 2002 and 2012 James Street: 24-storey mixed-use commercial residential condominium building with 5 levels of underground parking; and
- 535-551 Brant Street: 25-storey mixed-use commercial residential with 4 levels of underground parking.

Furthermore, the subject site is ideally situated in the Downtown core and adjacent to some of the City's best natural attributes, including Burlington's downtown to the north, Lake Ontario and the Hamilton and Niagara Region shoreline to the south, and Spencer Smith Park to the west.

Spencer Smith Park, which abuts the subject site, provides for a linear public park along the Burlington waterfront, and includes features such as the "Waterfront Trail", the Naval Ships Memorial Monument, the Brant Street Pier, and the "Dofasco Waterjet Plaza (splash park), among others. Spencer Smith Park is also home to multiple cultural attractions and activities in the City including the Burlington Sound of Music Festival and Burlington Ribfest held annually each summer.

As mentioned above, the subject site is located in Burlington's Downtown, at the foot of Brant Street, which is the major spine of the Downtown Core, providing ample access to existing commercial, retail, and restaurant businesses.

What the above area context demonstrates, is that the site is located within an area experiencing a transition in built form forms. Moving from a mid to high rise form, to that of more dense and taller form.

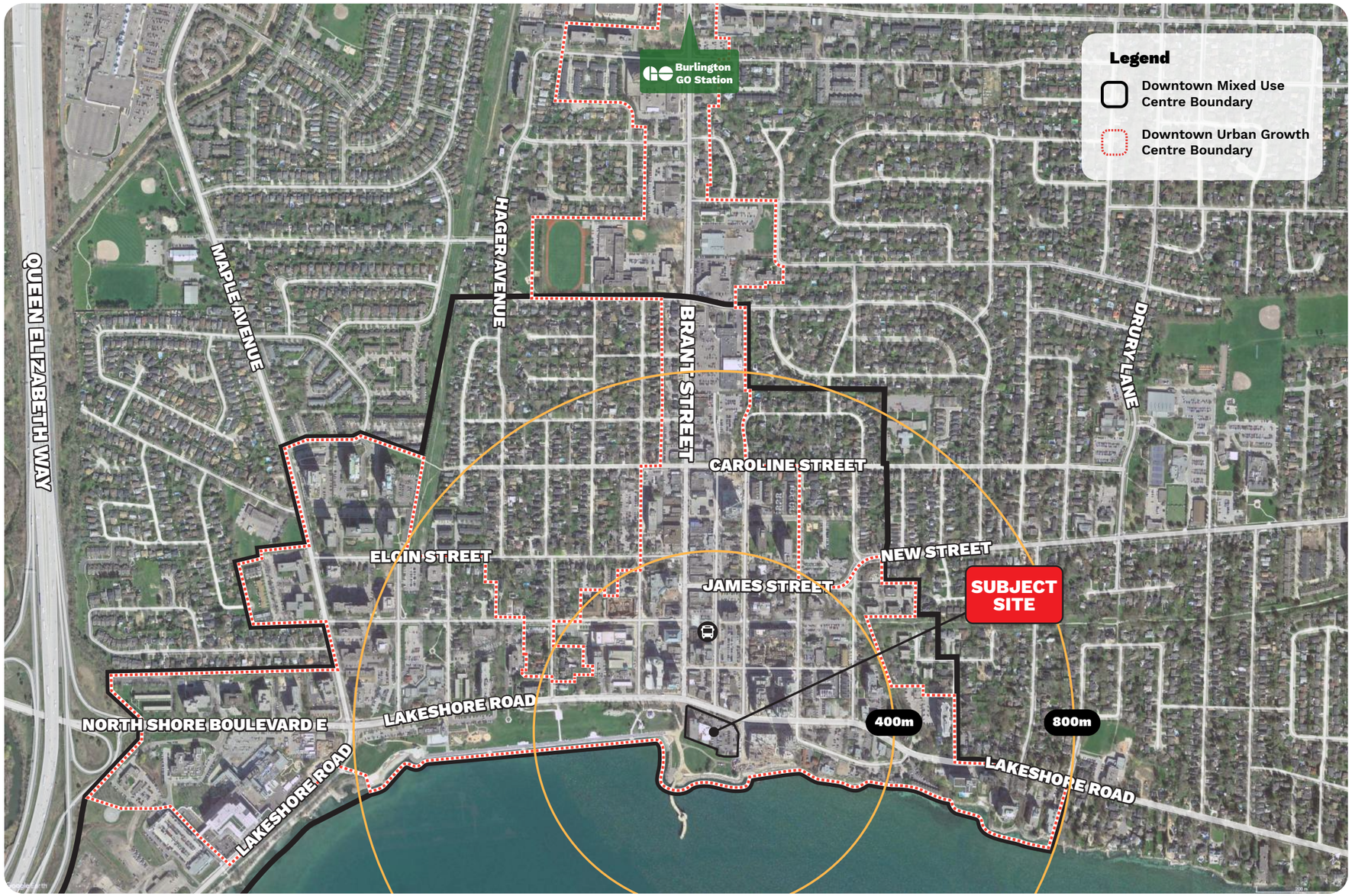


Figure 2 - Area Context map



413 Elizabeth Street (LCBO)



423 Elizabeth Street Parking Lot and Surrounding Buildings



2049 Pine Street



Corner of John Street and Pine St looking South



Corner of John Street and Pine St looking West



Downtown Burlington Bus Depot looking North West



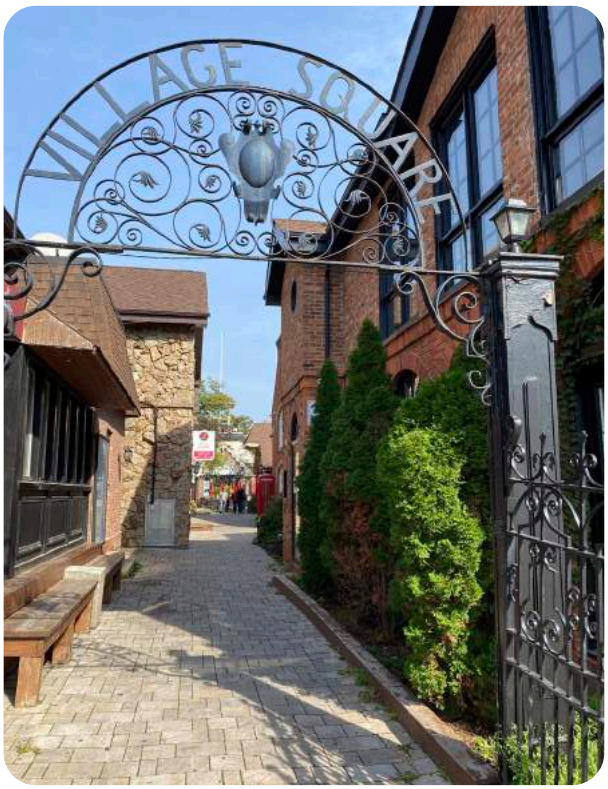
Downtown Burlington Bus Depot looking South



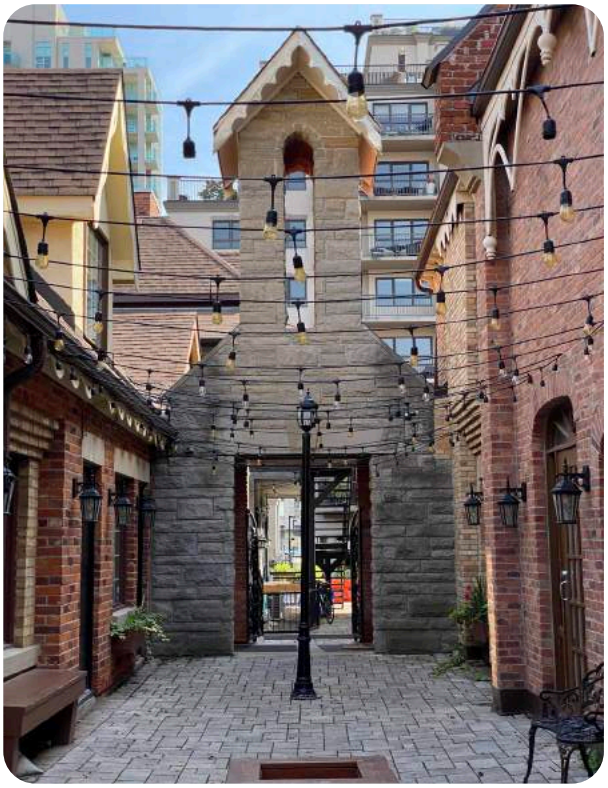
Inside Village Square



Downtown Burlington Bus Depot beside 410 John Street



Entrance to Village Square Approx. 100m North from Subject Site



Inside Village Square

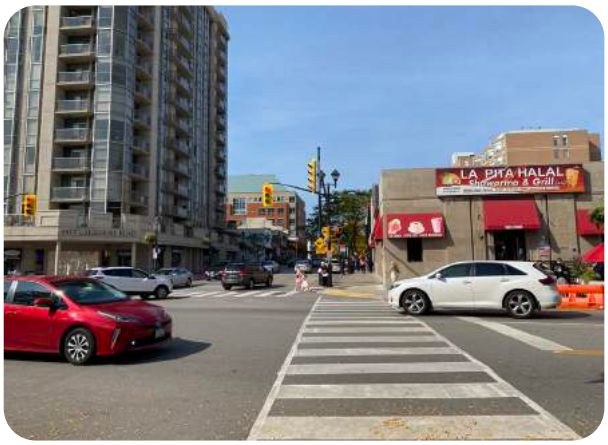


Streetscape at Pearl and Pine Street looking South West

2.3 Immediate Surroundings

The following section describes the adjacent land uses in greater detail and their relationship to the site.

To the immediate **north** of the subject site are two blocks split between John Street which runs in a north-south direction. Both these blocks are occupied by low-rise commercial establishments that generally consists of 1 and 2- storey buildings. Just to the northwest of the subject site is Brant Street, which as noted above, is the major spine of the Downtown Core and contains the majority of the Downtown's commercial and retail establishments. On the northwest corner of John Street and Pine Street is an existing 9- storey mixed-use residential building with commercial establishments fronting onto Brant Street. Building tiers down to 4- storeys along Brant Street. On the northeast corner of the John Street and Pine Street intersection is a large surface public parking lot as well as the Downtown Burlington Bus Depot. As you continue north along John Street and Elizabeth Street, a mix of land uses are existing including a 6-storey commercial building, additional low-rise commercial, retail and restaurant uses, two residential buildings 15 and 17 storeys in height, and a recently constructed 17-storey mixed-use apartment building with a future adjoining 8- storey office building and 6- storey parking garage.



Surrounding Uses - Brant Street & Lakeshore Road looking North from Subject Site



Surrounding Uses - Looking North along JohnStreet from Subject Site

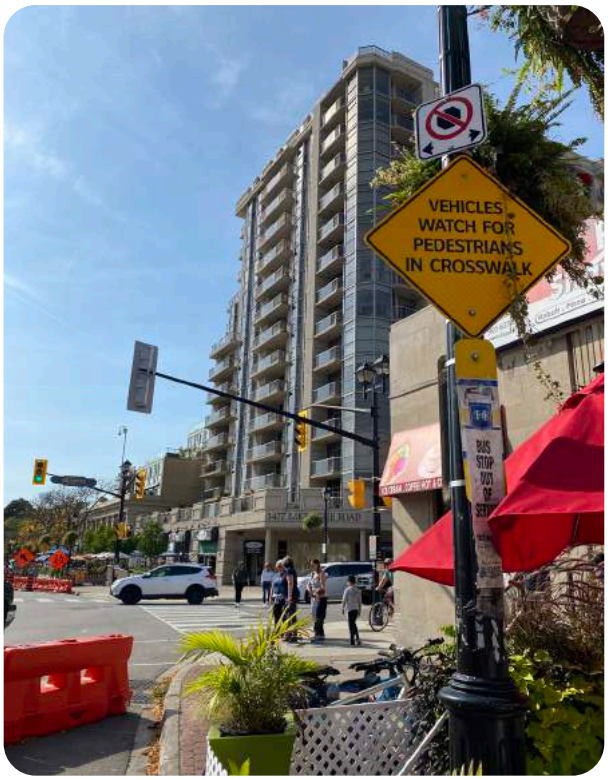


Surrounding Uses - Uses on North Side of Lakeshore Road

At the northwest corner of the Brant Street and Lakeshore Road intersection, is an existing 14-storey mixed-use commercial residential building with restaurants fronting onto Brant Street and Lakeshore Road. There is an 11-storey mixed-use commercial residential building at the northeast corner of Lakeshore Road and Locust Street. As you move north along Brant Street, many low-rise commercial, retail, and restaurant establishments exist fronting the street with taller buildings also existing, including a 5-storey commercial building on the southwest corner of Brant Street and Elgin Street, Burlington City Hall, and a 3-storey commercial building fronting Brant Street just north of Ontario Street. Additional higher density developments also exist as you move away from the main Brant Street corridor such as an 11-storey residential building known as "Windsor Suites" on Locust Street.



Surrounding Uses - 1477 Lakeshore Road



Surrounding Uses - Lakeshore Road and Brant Street



Surrounding Uses - From Subject Site looking Northwest



Surrounding Uses - Northeast and Southeast Corners of Lakeshore Road and Elizabeth Streett



Surrounding Uses - Subject Site looking East along Lakeshore Road



Surrounding Uses - Corner of Lakeshore Road and Elizabeth Street

To the immediate **east** of the subject site, is the 22-storey "Bridgewater Residences on the Lake" which consists of 22-storey mixed-use commercial residential condominium, a 7-storey mixed-use commercial residential condominium, and an 8-storey hotel currently under construction ("Pearle Hotel"). Continuing east along Lakeshore Road are a mix of existing, proposed, and approved mid to tall buildings as well as some existing single detached dwellings. Existing residential buildings along Lakeshore Road include a 5- storey retirement building, as well as a 4, 7, 8, 9, 13, and 18- storey residential building as you continue east. Higher density residential buildings also exist along Martha Street and Torrance Street, which include a 13-storey and 15- storey building respectively.

On the northeast corner of Lakeshore Road and Elizabeth Street exists a cluster of residential mixed-use buildings, including heights of 12, 14, and 16- stories. All three buildings have commercial establishments fronting onto all sides of the block. Just to the north of this cluster of tall buildings is the "Village Square" shopping mall which consists of low-rise commercial establishments including many well-known eating establishments, retail stores, and commercial establishments. Directly north of the Village Square fronting onto Elizabeth Street are a 5 and 6 storey residential building. Additionally, three 3- storey mixed-use residential buildings and 3- storey townhouses also exist to the northeast of the subject site.

To the immediate **south** of the subject site is a portion of Spencer Smith Park as well as a part of the Waterfront Trail and the Brant Street Pier. Further south is Lake Ontario.

To the immediate **west** of the subject site is Spencer Smith Park, which is generally bound by Lakeshore Road to the north, the subject site to the east, Maple Avenue to the west and Lake Ontario to the south, as well as the Waterfront Trail, which extends west and then south towards the City of Hamilton. As you continue west along Lakeshore Road, a range of land uses exist, including, residential, commercial, and institutional uses. Some higher density residential developments to the west of the subject site include 3-storey townhouse blocks, three 4-storey apartment blocks, as well as 6, 9, and 11- storey residential buildings. Other major establishments along Lakeshore Road include the Art Gallery of Burlington and Spencer's At the Waterfront restaurant. The Burlington Performing Arts Centre is also located west of the subject site, along with a recently constructed 6- storey residential building at the northwest corner of the Locust Street and Elgin Street intersection. Approximately 310 metres to the west of the subject site is an established low-density residential neighbourhood (St. Luke's Neighbourhood Precinct) that generally consists of 1, 2, and 3- storey single detached and townhouse dwellings.



Surrounding Uses - As Seen looking north from Pier



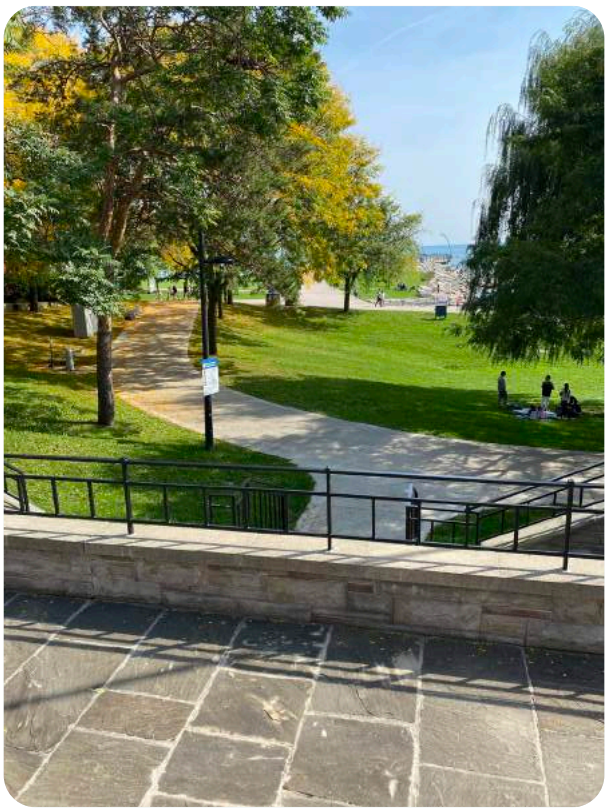
Surrounding Uses - Terminus of Elizabeth Street



Surrounding Uses - Spencer Smith Park and the Waterfront Trail to the Southwest



Surrounding Uses - Brant Street & Lakeshore Road looking Northwest from Subject Site



Surrounding Uses - Waterfront Trail at Subject Site looking South

Lakeshore Road terminates at Maple Avenue and becomes North Shore Boulevard East. As you continue west along North Shore Boulevard East, as well as north along Maple Avenue, there are several higher density developments residential buildings ranging in heights from 4 to 20-storeys. At the southwest corner of North Shore Boulevard and Maple Avenue/Lakeshore Road are an additional mix of land uses, including Joseph Brant Museum, Joseph Brant Hospital, McMaster Halton Family Health Centre, an OPP Division office, and a 4-storey long term care facility.

What the immediate surrounding demonstrate, is that the subject site is located in an area with a wide range and mix of building types, densities, and heights. With regard to heights, the immediate surroundings generally consist of mid to high rise structures, decreasing in height with distance from the site. Please refer to **Figure 3** and **4** – Downtown Key Services and Amenities Map above.



Surrounding Uses - Stairwell off Lakeshore Road to Waterfront Trail looking Southeast



Surrounding Uses - Brant Street & Lakeshore Road looking West



Legend

01	Subject Site	09	Lions Park	17	YMCA
02	Village Square	10	St. John Orthodox Church	18	Burlington Tennis Club
03	City Hall	11	Knox Presbyterian Church	19	Burlington Curling Club
04	Civic Square	12	St. Luke's Anglican Church	20	Central Recreation Centre
05	The Burlington Performing Arts Centre	13	Art Gallery of Burlington	21	Burlington Seniors' Centre
06	The Brant Street Pier	14	Discovery Landing	22	Burlington Library – Central Branch
07	Spencer Smith Park	15	Brock Park	23	Joseph Brant Memorial Hospital
08	Apeldoorn Park	16	Central Park	24	Joseph Brant Museum
				25	Burlington Central High School
				26	Central Public School
				27	St. John Catholic Elementary School
				28	Lakeshore Public School
				29	Burlington Baptist Church
				30	Burlington GO Station
				31	Downtown Bus Terminal

Figure 3 - Key Services and Amenities



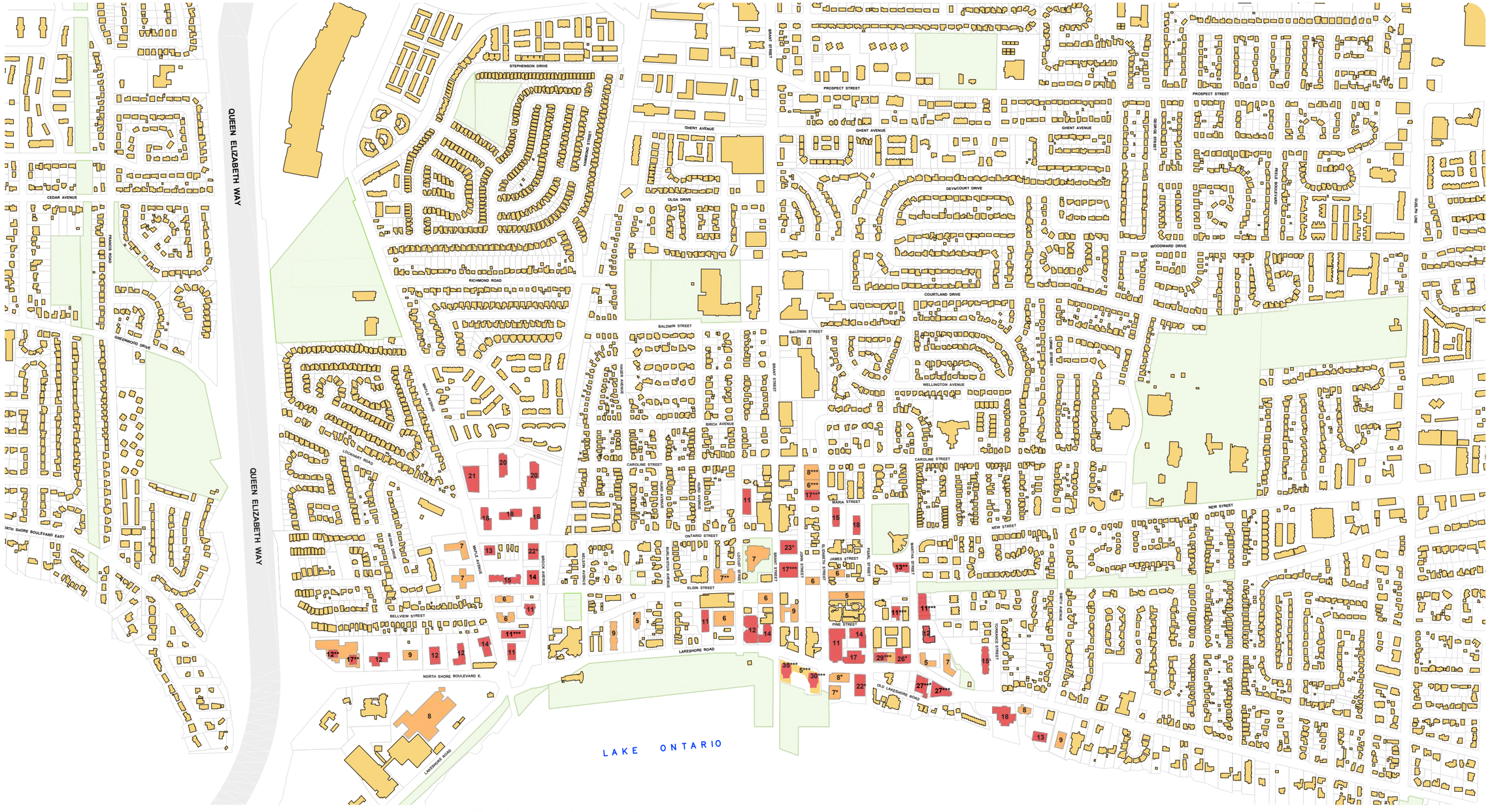
Figure 4 - Downtown Key Services and Amenities Map

2.4 Surrounding and Nearby Development Applications

The follow table provides a summary of the pending, approved, and appealed development applications within Ward 2 of the City of Burlington, within 1,000 metres from the subject lands, and provides an indication of the higher densities and taller buildings planned for the area around the subject site. The acronym "FAR" stands for Floor Area Ratio, and "uph" stands for unites per hectare. The information presented in the table below is based off of available plans, supporting documents, and measurements obtained from online resources off of the City's website. Please refer to **Figure 5** – Height Map and **Figure 6** – Built Form Context Map for a visual depiction of the below table.

Table 1 - Nearby Developments

Address	Max Height (Storeys)	Density	Parking	Type of Use	Distance / Direction from Site	Application Status
2025 Maria St, 2030 Caroline St & 510 Elizabeth St	17	405 uph 6.7 FAR	6 Level Above Grade & 3 Level Underground	Mixed	465 m N	Approved
2042, 2048, & 2054 Lakeshore Rd	22	Unknown	Unknown	Mixed	20 m E	Approved
374 Martha St	26	1,663 uph 12.2 FAR	6 Levels Underground	Mixed	206 m NE	Approved
421-431 Brant St	27	915 uph 11.24 FAR	4 Levels Underground	Mixed	282 m NW	Approved
452-454 Locust St & 1437-1445 Elgin St	6	224 uph 4.5 FAR	3 Levels Underground	Mixed	235 m W	Approved
2107 Old Lakeshore Rd & 2119 Lakeshore Rd	27	750 uph 10.5 FAR	5 Levels Underground	Mixed	295 m NE	Under Review
2093, 2097 & 2101 Old Lakeshore Rd, 2096 & 2100 Lakeshore Rd	27	923 uph 7.85 FAR	4 Levels Underground	Mixed	240 m NE	Appealed
2069-2079 Lakeshore Rd & 383-385 Pearl St	29	1,413 uph 11.1 FAR	5 Levels Underground	Mixed	38 m N	Appealed Awaiting OLT Decision
2082, 2086 and 2090 James St	18	713 uph 5.4 FAR	4 Levels Underground	Mixed	273 m N	Appealed
401-413 Brant St, 444-450 John St, & 2002 & 2012 James St	24	1,135 uph 10.0 FAR	5 Levels Underground	Mixed	216 m N	Appealed
535-551 Brant St	25	892 uph 7.56 FAR	4 Levels Underground	Mixed	642 m N	Appealed



Building Height Study

Downtown Core
City of Burlington

- Low-Rise Building (<5 Storeys)
- Mid-Rise Building (5-10 Storeys)
- Tall Building (>11 Storeys)

Figure 5 - Height Map



Figure 6 - Built Form Context Map

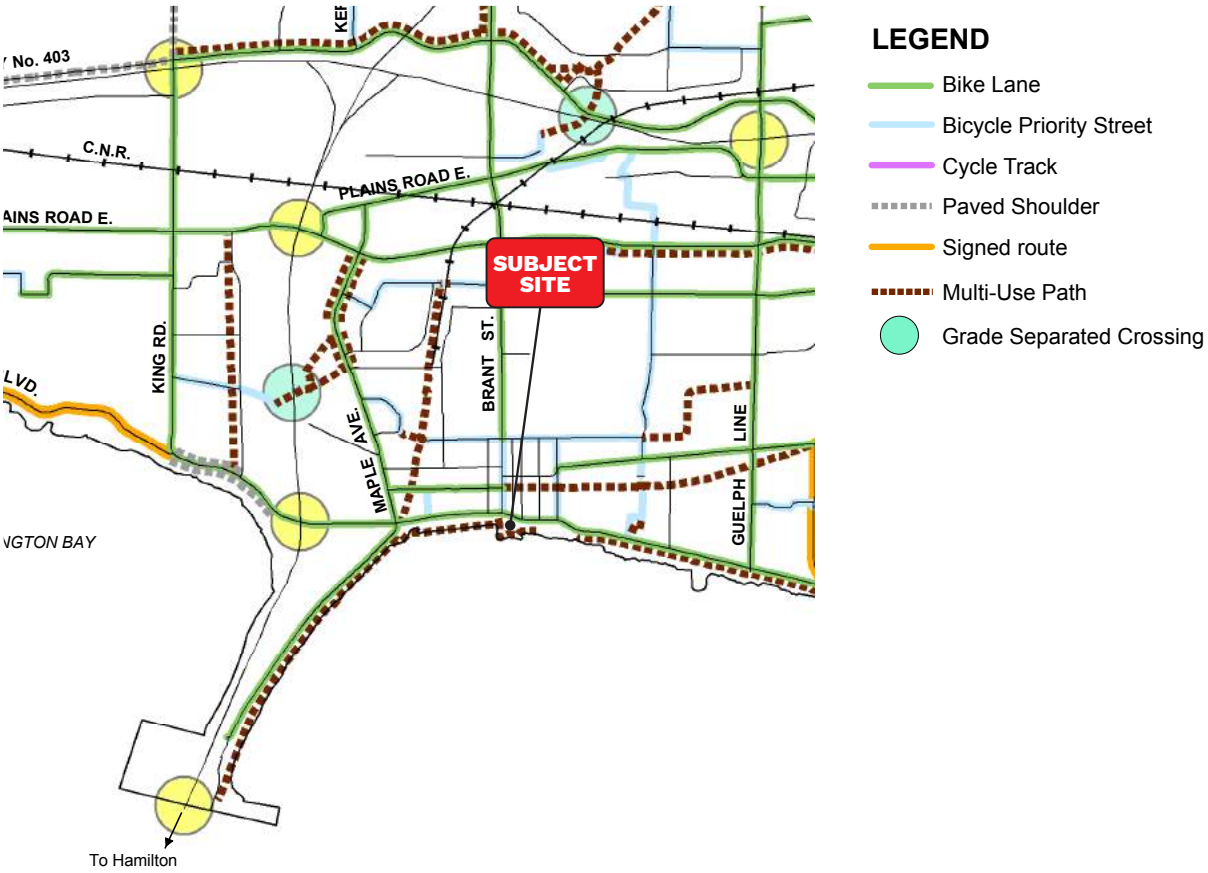


Figure 7 - Appendix A – Schedule 1 – Long Term Transit Service Network

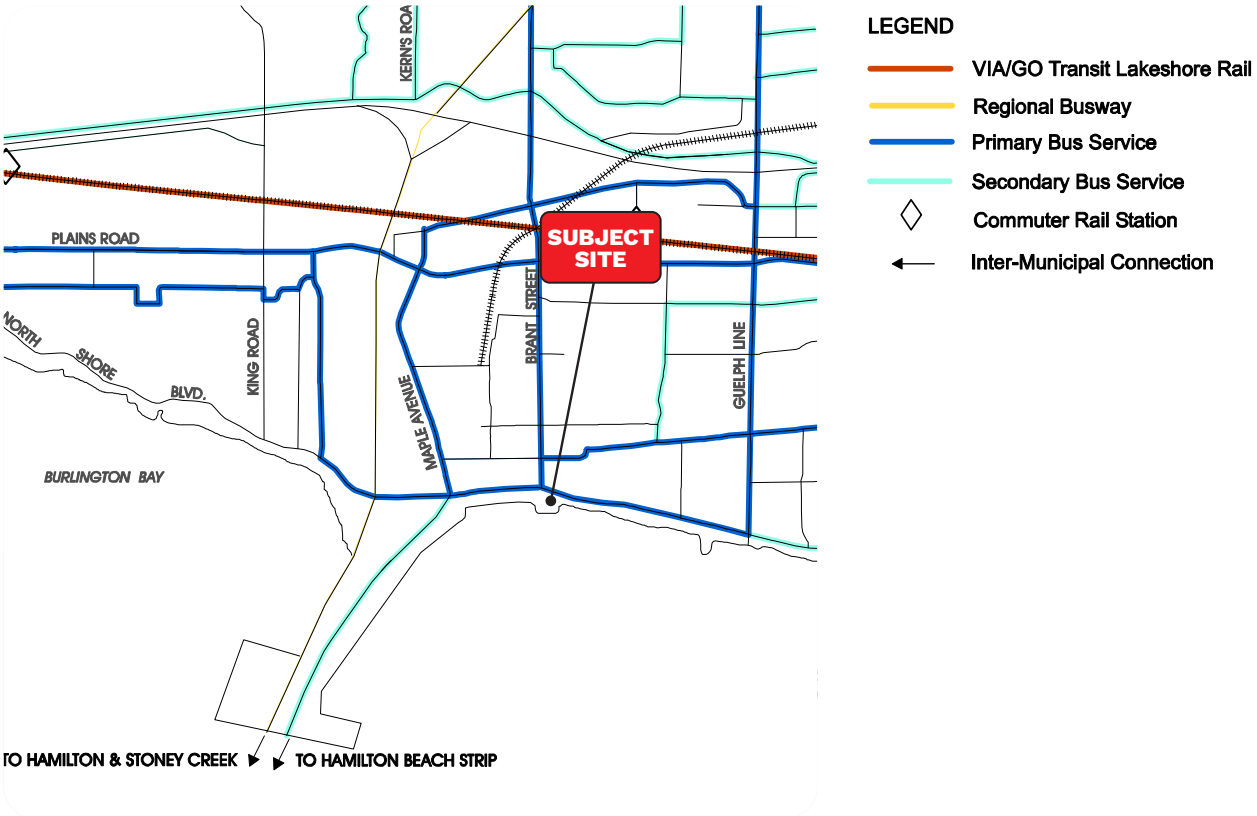


Figure 8 - Appendix A – Schedule 2 – Long Term Cycling Master Plan

2.5 Transportation Network

Road Network

The subject site is located along Lakeshore Road, which is identified as a Minor Arterial road on *Schedule K – Classification of Transportation* Facilities (Downtown Area) in the City's Official Plan. This portion of Lakeshore Road provides a general east-west vehicular connection to other major road corridors, including Brant Street, Maple Avenue, and the Queen Elizabeth Way. Along this portion of Lakeshore Road, the right-of-way consists of one travel lane in an eastern direction, two travel lanes in a western direction and one central turning lane.

Appendix A – Schedule 1 – Long Term Transit Service Network of the City's Official Plan identifies Lakeshore Road as a Primary Bus Service Route. *Appendix A – Schedule 2 – Long Term Cycling Master Plan* in the City's Official Plan also identifies a Bike Lane along Lakeshore Road and multi-use path along the rear of the subject site, presumably following the Waterfront Trail (see **Figures 7** and **8**).

Table 2 – Road Allowance Widths in Part VII (Schedules and Tables) of the City's Official Plan indicates the planned right-of-way ("ROW") width for the entire length of Lakeshore Road is 30 metres.

Transit Network

The subject site is well serviced with public transit with bus stops along Lakeshore Road in front of the subject site at the corner of Elizabeth Street and lakeshore Road (Bus Routes 3), and on both sides of the street at the corner of Brant Street and Lakeshore Road (Bus Routes 4, 10, and 50). The subject site is also located approximately 140 metres (2-minute walk) from the Downtown Burlington Bus Depot on John Street. Burlington Transit bus routes 2, 3, 4, 10, 50, and 52 all have bus stops at the Downtown Burlington Bus Depot which provides services Monday through Friday as well as weekends and Holidays:

- **2 Brant**: Operates every 20 minutes in a north-south direction to the 407 GO Station.
- **3 Guelph-Downtown**: Operates every 20 minutes in northwest and southeast along Guelph Line from John Street (Downtown Terminal) along Lakeshore Road to Dundas Street and the Highway 407 GO Station.
- **4 Central**: Operates every 30 minutes generally east and west between the Aldershot GO Station on Waterdown Road and the Appleby GO Station off of Fairview Street, with the Downtown Terminal acting as the hub along the route.
- **10 New-Maple**: Operates every 15 minutes east and west along New Street from the Appleby GO Station off of Fairview Street to the Burlington GO Station also off of Fairview Street, with stops at the Downtown Terminal along the way.
- **50 Burlington South**: operating east and west along North Shore Boulevard and Plans Road East from Burloak Drive to Maple Avenue.
- **52 Burlington Northwest**: which provides north-south service along Brant Street and Guelph Line from Dundas Street in the north to New Street in the south.

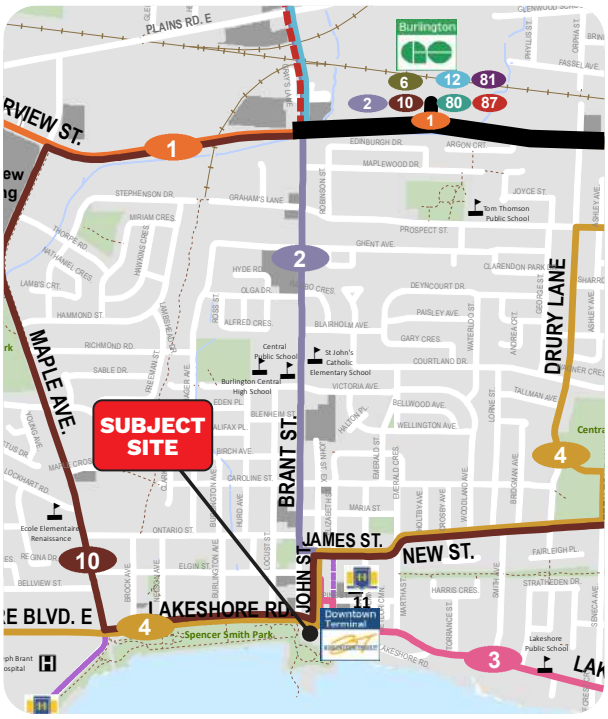


Figure 9 - Burlington Transit Map

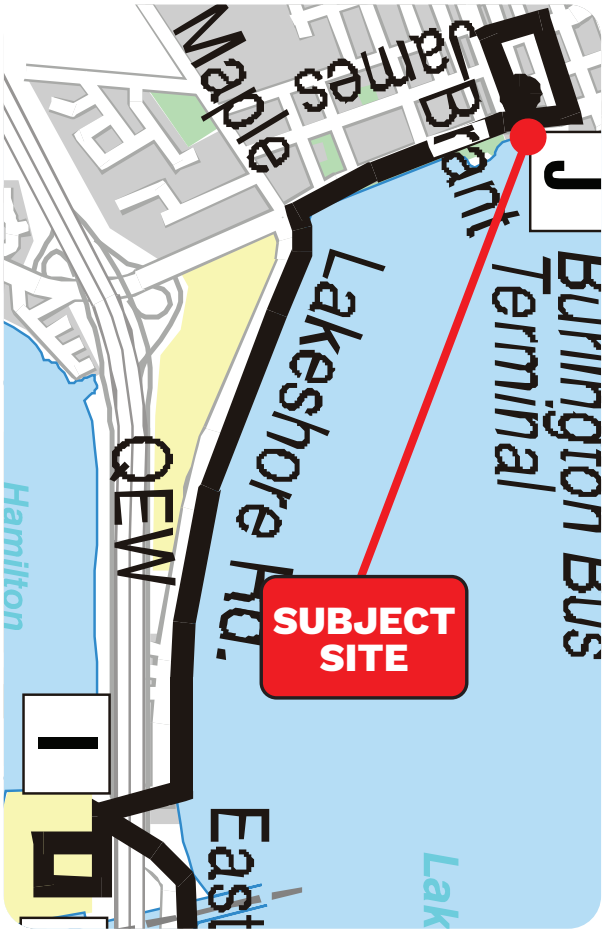


Figure 10 - HSR Bus Route 11 – Valley Park/Parkdale Route Map

Hamilton Street Railway ("HSR") also operates Bus Route 11 – Valley Park/Parkdale which stops in front of the property at the corner of Elizabeth Street and lakeshore Road, and at the corner of Brant Street and Lakeshore Road, offering a connection between Hamilton and Burlington via the local bus system. HSR Route 11 – Valley Park/ Parkdale operates every 30 mins in and runs in a generally north-south direction with 55 stops between the Downtown Burlington Terminal and ending at the Valley Park Community Centre in Hamilton.

Please refer to **Figures 9** - Burlington Transit Map and **Figure 10** - HSR Bus Route 11 – Valley Park/ Parkdale Route Map

These bus routes provide travel in north, east, south, and west directions and provide connections to multiple GO Stations including Aldershot, Burlington, and Appleby GO as well as the 407 GO carpool parking lot. Further to the bus routes provided at the John Street terminal, Burlington Transit provides additional bus route stops at all GO Station terminals that provide more local transit options as well as offers regional train and bus services south to Niagara Falls and east to Toronto's Union Station.

The Growth Plan defines "frequent transit" as "a public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week". In this respect, the site is located in proximity to both a variety of bus routes with connections to 3 GO Stations, each of which offer service every 15-30 minutes every day.



3 Proposal

3.1 Description of Proposal

Located at the foot of the City's Downtown, along Lakeshore Road and the Lake Ontario waterfront, the subject site is one of the City's preeminent parcels of land. Recognizing the contextual importance of the subject site, given its location along the waterfront at a primary intersection at the foot of Burlington's Downtown, which is already characterized by a cluster of tall buildings, this proposal seeks to redevelop the subject site for a new significant mixed-use building. The proposal intends to contribute and add to the current revitalization of Burlington's Downtown by better optimizing the use of both public investment in infrastructure and the use of the land it supports and will revitalize the subject site at its waterfront context.

The proposal involves the demolition of the existing Waterfront Hotel, restaurant (The Port House Social Bar and Kitchen), and surface parking, and will result in the construction of a new mixed-use commercial / residential high-rise building in a 2-tower format atop a 5 to 6-storey podium (the "development").

The proposed new development will consist of 2 towers sitting atop a 5 to 6-storey podium. The west tower is proposed at 35 storeys (119.3 metres to the peak of the mechanical penthouse), and the east tower is proposed at 30 storeys (104.5 metres to the peak of the mechanical penthouse). The west tower would be strictly dedicated for new residential dwelling units, while the east tower would be a mix of hotel suites (floors 2 – 5) and new residential dwelling units. The podium of the proposed development would include a mix of uses and functions including space within which new commercial and office space would be located. A unique design element for the proposed development is the inclusion of a 4-storey breezeway in the centre of the podium between the 2 towers, which would essentially act as a view extension to Lake Ontario from John Street. The breezeway would be designed with quality landscaping and various pedestrian-level features, would be accessible to all, and would provide a privately-owned publicly accessible connection to the Waterfront Trail.

Overall the development proposes a total Gross Floor Area ("GFA") of 59,172 square metres, resulting in a Floor Area Ratio ("FAR") of 7.76:1, and a density of 730.4 units per hectare. The total GFA would be comprised of 4,445 square metres of new commercial space (8%), 4,348 square metres of new office space (7%), 7,231 square metres of new hotel space (12%), 42,078 square metres of new residential space (71%), and 1,070 square metres of indoor amenity space (2 %).

The 42,078 square metres of new residential space would result in the provision of 557 new residential dwelling units comprised of 23 studio units (4%), 212 one-bedroom units (38%), 166 one-bedroom + den units (30%), 138 two-bedroom units (25%), and 18 three-bedroom units (3%).

The 7,231 square metres of new hotel space would result in the provision of 122 new hotel suites each averaging 40.3 square metres in size.

Parking would be provided on site via 4 levels of underground parking. In total, 598 parking spaces would be provided consisting of 557 spaces for residents and 41 spaces for the mixed-use components at a rate of 1.074 spaces per unit. The 1.074 spaces per residential dwelling unit is inclusive of parking to be shared between the mixed-use non-residential uses and visitor parking. In total 41 spaces will be allocated for mixed-use non-residential spaces and visitor parking.

Fitting the context of its surrounding urban pattern, this proposal will replace an underutilized downtown site with a new street-related 5 to 6-storey building base (podium) that will define the pedestrian scale of the street and be animated with commercial uses at grade. Above the street-scale, the proposal includes 2 new towers at 35 and 30-storeys which attractively contributes to Burlington's emerging Downtown skyline.

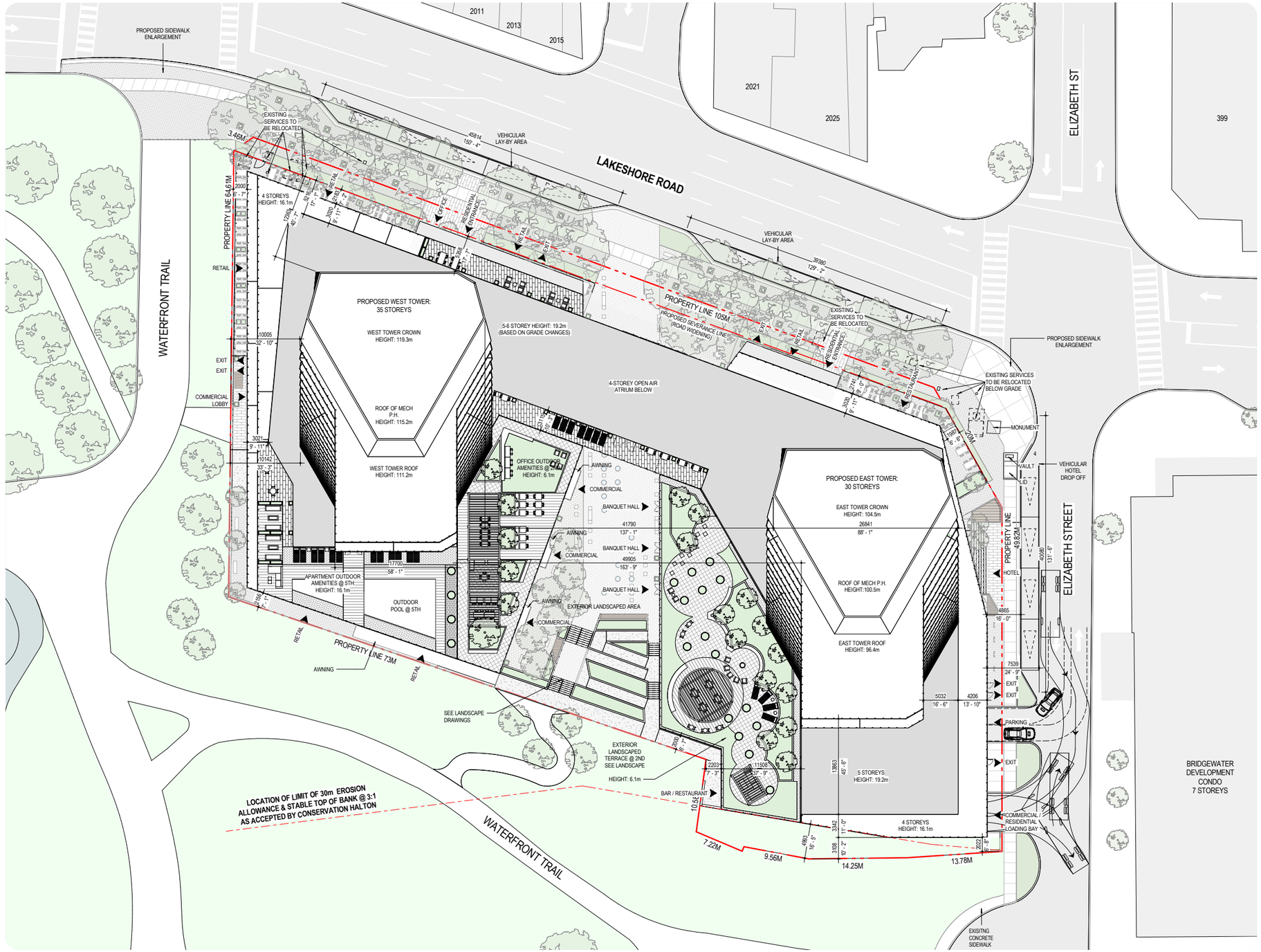


Figure 11 - Site Plan (Prepared By: NEUF Architects)

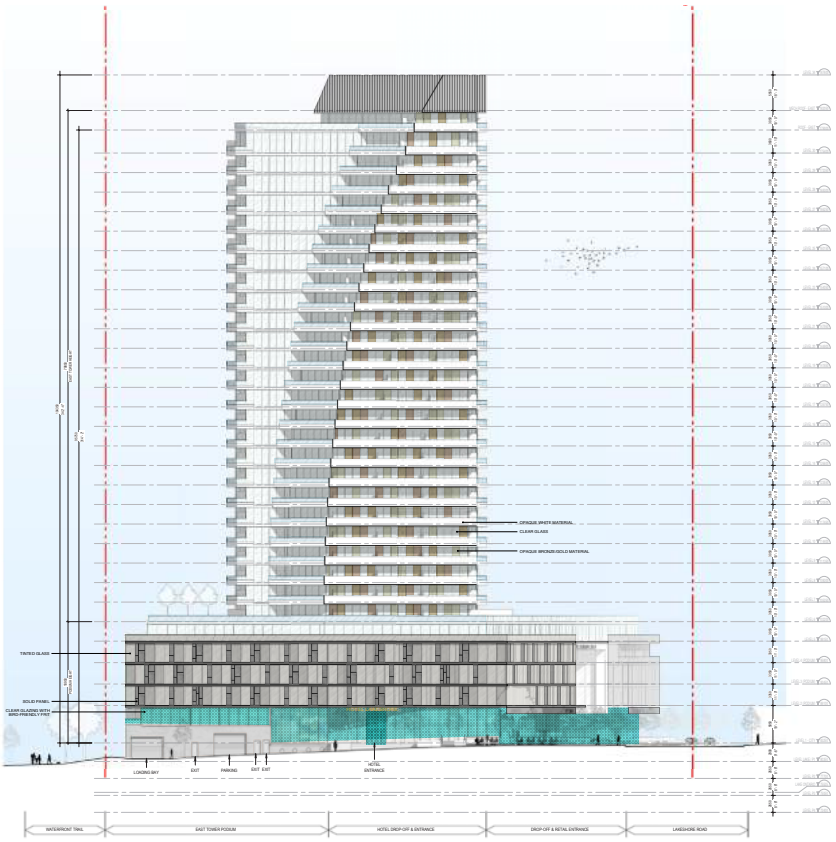


Figure 12 - East Elevations (Prepared By: NEUF Architects)

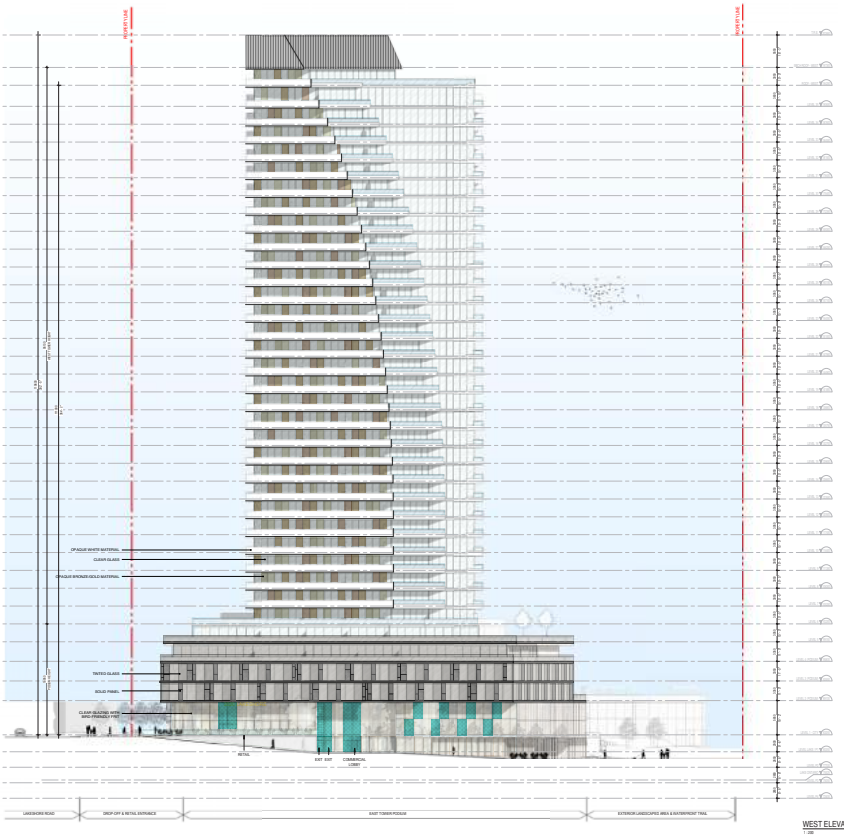


Figure 13 - West Elevations (Prepared By: NEUF Architects)



Figure 14 - North Elevations (Prepared By: NEUF Architects)

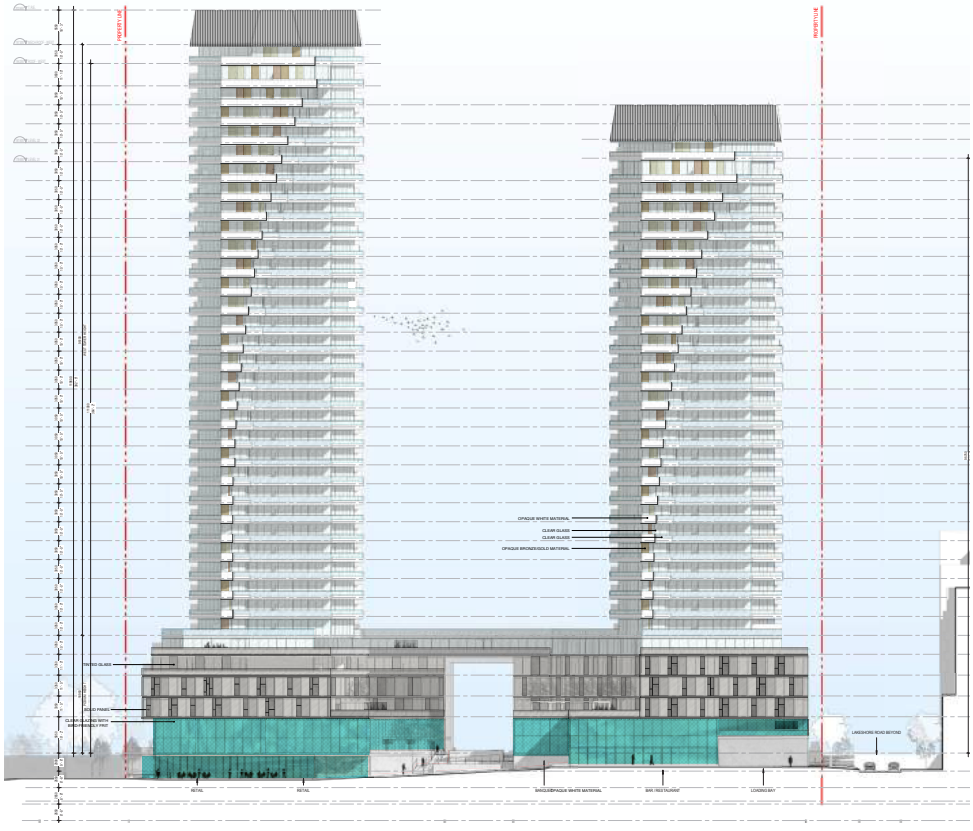


Figure 15 - South Elevations (Prepared By: NEUF Architects)

Ground Level

Lakeshore Road is a City of Burlington-owned road, and the planned right of way ("ROW") width is 30 metres. The actual width varies and is deficient in width, in order to bring Lakeshore Road to the planed width of 30 metres, an approximate 2.0-metre-wide widening is required from the Lakeshore Road frontage to bring Lakeshore Road planned 30-metre right-of-way width. Therefore, widening is proposed along the south side of Lakeshore Road, adjacent to the building's retail façade, that will facilitate streetscape improvements such as wider sidewalks, street trees and landscaping, benches, and other related improvements (including achieving the planned ROW width) and will help to animate the site's frontage. An Ontario Land Surveyor has accurately confirmed the widenings required, which vary between 2.320 metres, and 2.834 metres as shown on the survey submitted with the applications.

The grade of the site between Lakeshore Road and the water's edge is moderately sloped downhill. The site's configuration has taken into account this change in elevations and has proposed a ground level plan to reflect the site's unique locational and topographical characteristics. An at-grade entrance driveway is proposed off of the west side of Elizabeth Street providing access to a both the underground parking levels and loading spaces for the towers. In addition, vehicle lay-by areas are provided along Lakeshore Road for temporary and emergency vehicular stops and an on-street hotel pick-up / drop-off area is provided along the west side of Elizabeth which will provide additional temporary parking for hotel patrons (e.g. taxis, ride-hailing, valet, etc.).

Surrounding the proposed building base on all sides is a variety of new landscaping features, including both hard and soft-scaping materials, and an enhanced streetscape along Lakeshore Road. The western, north, and eastern ground levels will be paved with decorative paving stones providing new space for commercial establishments (i.e. patio areas), and will feature an abundance of street trees and other plantings to create shade and to enhance the green space surrounding the site. A large 4-storey breezeway is proposed between the 2 towers and will separate the podium from west to east.

The breezeway will provide an open and covered mid-block connection from Lakeshore Road to the Waterfront Trail, and will feature additional landscaping elements, seating, staircases and accessible ramps, seasonal plantings, a wooden platform, and precast concrete benches, among other features. As well, the breezeway will serve as a view corridor from John Street to the Lake Ontario and represents an important visual component of the proposed development.

At grade, the site also offers an abundance of outdoor amenity space. Some of this space is captured within the proposed breezeway, while other outdoor amenity space is captured with open space to the south, where the edge of the proposed development provides a seamless Segway to the Waterfront Trail and Spencer Smith Park. The transition from John Street through the breezeway to Spencer Smith Park and the Waterfront Trail will function as a "Privately-Owned Publicly Accessible Space" ("POPS") and will provide additional open space within Burlington's urban landscape. The POPS component would be negotiated with the City and the developer at a later date. It is the intent that the site's POPS function would play a key role in the City's public realm network, providing open space in a premier location within the City and complementing the existing park and open spaces in the area around the site. In order to ensure that the breezeway is safe and accommodating to all people, it has been proposed with urban and architectural design elements that ensure crime prevention through environmental design, otherwise known as "CPTED.



Rendering (Prepared By: NEUF Architects)



1. View Down Elizabeth Street with Lake Ontario Beyond



2. View from John Street with Lake Ontario Beyond



3. View from Lakeshore Road at the Waterfront Trail



4. View South Through the Open Air Atrium with Lake Ontario Beyond



5. View North Through the Open Air Atrium towards Lakeshore Road and John Street



6. View of Commercial Entrance with Access to the Waterfront Trail and Spencer Smith Park with Lake Ontario Beyond

Renderings (Prepared By: NEUF Architects)

Building Base (Podium)

The building base or "podium" of the proposed development is intended to anchor the towers and define the pedestrian experience on all sides of the site. The podium is proposed at 5 to 6 storeys in height, with the variance resulting from the site's grade changes between Lakeshore Road and Lake Ontario. Its location and height have been designed to frame Lakeshore Road and Elizabeth Street and will create a positive relationship to both the streets abutting the subject site and to western and southern flanks. It is along the western and southern flanks that new pedestrian interactions with the site haves been contemplated through the introduction of new commercial uses and open space.

The podium has been carefully designed, and includes a mix of horizontal and vertical elements, to reinforce the human scale of the street and Spencer Smith Park. The arrangement of internal uses will create a visual connection between the public and private realm, while promoting vibrancy and activity throughout the day. In addition, a large public art element has been adopted (through the use of façade art and street-level art installations) along the Lakeshore Road façade to create a unique visual element to the podium and to encourage people to pay attention and perceive the environment around the structure.

Specifically, the podium will feature at grade commercial uses along Lakeshore Road, along the building's western and southern flanks, within the breezeway, and along Elizabeth Street creating a new pedestrian-level interface and reinforcing the streetwall along Lakeshore Road, with interesting corner conditions. The at-grade commercial uses wrap around the southwest corner of the podium and provide additional commercial options for the development facing the Lake. This creates additional space for pedestrian interaction with the building from Spencer Smith Park , which will be accessible via the Waterfront Trail. The commercial uses continue through the breezeway and at the corner of Lakeshore Road and Elizabeth Street. The commercial uses will include a range and mix of permitted uses from retail to restaurants, all of which have been contemplated to create an active and usable pedestrian environment around and within the building.

The eastern half of the podium at level 1 is comprised of a mix of hotel uses, commercial uses, lobby space, restaurants, and a banquet hall. The banquet hall is located within the eastern half of the podium and will provide a space within the development to host events such as weddings, corporate venues, trade shows, and other unique temporary attractions. Within the breezeway, along its eastern wall are a series of doors that provide access to a planned banquet hall. On the eastern side of the podium along Elizabeth street is the entrance to the proposed hotel, which includes the hotel lobby, elevator bank to the hotel suites, restaurant, and commercial and residential loading bays for both towers. The residential lobby for the east tower is accessed off of Lakeshore Road and features an exclusive set of elevators to service the residential units above the hotel. In between level 1 and 2 is a mezzanine, which intended to serve as a lounge and bar for hotel patrons and other guests.

The majority of the western half of the podium at level 1 will be reserved for new commercial space on the 1st floor. In addition to exterior access to the proposed commercial spaces from Lakeshore, the western flake, and the southern flank, a commercial lobby is proposed as a mid-podium (east-west), which can be accessed via the breezeway or from the western edge of the building. This commercial lobby will access almost like mall aisle where shops and or other commercial uses can be accessed from an internal area. Within the western portion of the podium on level 1, a second residential lobby and office lobby are also proposed.

The 2nd and 3rd floors of the podium are again generally separated east and west by unique uses, with the western half being reserved for new office space and outdoor amenity area (on the 2nd floor) for those offices, while the eastern half of the podium at level 2 is reserved for hotel suites, and a usable green roof (also on the 2nd floor), which has been designed with unique landscaping features.

Level 4 maintain the separation east and west, with the western half now occupied by the first of the new residential units, and the eastern half being occupied by more hotel suites.

Level 5 is stepped back from the levels below it by varying distances around the podium from 0.7 metres at the least to 5.1 metres at the most. The varying distances contribute to the podium's articulation and design aesthetic and provide a unique transition in massing between the tower levels and the base. At level 5, the podium bridges the gap over the breezeway connecting the western and eastern half if the podium as one. The western half of level 5 contains additional residential units in the northwest corner. The majority of the indoor amenity space is also provided on level 5 on the western wing of the podium. The connection over the breezeway contains additional shared amenity space for the hotel patrons and residents and incudes an indoor pool and gym. On the eastern side of the 5th floor, there are additional hotel suites.

On level 6, the podium has generally reached its functional peak. However, the roof of the bridged portion of the podium is noted here, as it has been designed as a green roof, intended to reduce the urban heat island effect, and will provide a pedestrian connection between the towers. The tower starts from this point upwards.

Towers

Floors 6 to 30 in the eastern portion and floors 6 to 35 in the western portion form the "towers" component of the development and what is often referred to as the "middle". The towers are the most substantial and impactful component to the development, and have been designed as well-articulated, slender landmarks, that will visually distinguish the Lakeshore Road corridor. Their construction will result in an addition and enhancement to the City's skyline and will stand as a defining landmark for the waterfront and the foot of the Downtown. The design and massing of the towers recognize and reflect this important role and have been designed to minimize impacts on adjacent uses, Spencer Smith park, and surrounding open spaces. The towers have also been designed and articulated to maximize sky views and access to sunlight through slender floorplates and spacious setbacks between towers. In this instance, the separation between the towers is approximately 42.7 metres.

Floors 6 to 30 in the eastern portion and floors 6 to 35 in the western portion are entirely comprised of new residential dwelling units and are stepped back from the podium edges by varying distances following the meandering articulation of the building as you move upwards. These floors are also set back from the lot lines a significant amount and, again, by varying dimensions as you move around the building, from 5.8 metres in the northeast corner to 12.4 metres in the southwest corner. Each of the units in these floors will be served by spectacular view of Lake Ontario or Downtown Burlington, depending on the side of the building. These views are capitalized in all directions due to clever design and façade manipulation, and because the subject site is on a slight diagonal, which provides an offset angle allowing each unit to capture the landmark views.

A central core is proposed for each of the buildings which will house the elevator banks and the stairwells.

Again, recognizing the contextual importance of the subject site along the waterfront and at the foot of the Downtown, the towers have been designed to stand as a landmark structure, providing high-quality urban design and structural elements that set it apart from other high-rise structures in the area. Visually, the towers will be articulated both vertically and horizontally, to create visual interest and encourage a design that takes the shape of a sail. The sail was intended as an homage to the site' location at the water's edge, and to reflect a nautical design theme in keeping with the area and the boat that frequent the waters within view of the site. From a distance, the towers are intended to form a sail having been caught by a stiff breeze. All sides of the towers will be constructed with quality architectural design and materials, with lighter materials and colours, such as glass and brightly painted concrete, adopted in the design to minimize perceived mass.

The tower floor plates are proposed at an average of 747.0 square metres for the western tower and an average of 742.3 square metres for the eastern tower. In our opinion, the proposed tower floor plate sizes are appropriate for several reasons. The floor plate falls below the maximum 750 square metre tower floor plate size requirement in the City's Tall Building Guidelines, which is intended to limit shadow impacts on surrounding streets, parks, open spaces, and properties by casting smaller, faster moving shadows, improving access to sky view, permitting better views between buildings and through sites, and contributing to a more attractive skyline. Given the slimness of the towers, there are no unacceptable adverse impacts anticipated with regard to Light, View and Privacy (LVP) to surrounding streets, parks, open spaces, and properties. It is also not anticipated that there will be additional impacts on lake views or views of the Downtown skyline as a result of a 2-tower approach, as the towers have generous setbacks to the podium, site boundaries and one another.

Balconies are provided around each of the towers to provide amenity space and additional articulation around the building and help contribute to the exceptional views of the Lake and the Downtown.

Although the proposed towers include certain floors that are greater than the maximum floor plate size established in the City's Tall Building Guidelines, it is our opinion that the proposal meets the intent of the guidelines, since it is part of the architectural expression, will add visual interest and will not result in any unacceptable built form impacts. This is discussed in greater detail in section 5.6 of this report..

Given the site's wide frontage along Lakeshore Road (around 105 metres and representative of its own neighbourhood block), it is possible to accommodate a slightly larger tower floor plate while still providing the recommended minimum setback and tower separation distances that are identified in the Tall Building Guidelines. With the exception of a small portion of building along the building's east elevation, nearly the entire recommended tower separation distance is achieved by the proposed building on the subject site.

Building Tops

The top of the proposed towers helps define the towers themselves and will contribute to a unique and interesting skyline for Burlington. Specifically, a variety of elements, including material variations, lighting, and other architectural elements have been adopted to reinforce a strong presence at the top of the building. Structural elements, such as the mechanical penthouse and elevator shafts will not be visible from ground level.

The mechanical penthouse has been deliberately situated within a building crown, which caps the towers and adequate screening from the pedestrian realm and minimize visual impacts. Mechanical components and the heating ventilation and air conditioning system components will be stepped back towards the centre of the roof, ensuring that they are screened from view.

The roof design and curved tower articulation provides for a unique addition to Burlington's skyline. This design provides a clear differentiation between the crown and the body of the towers which appear slender through the articulation of the balconies. The mechanical penthouses are located at the top of each tower and provide a clear culminating point with a much smaller footprint. Their opaque and louvered finish hides equipment from view and provides a focal point when seen from a distance. From close-by and street level, the penthouse is not visible due to the large setback provided. From the edge of the building at roof level, the penthouses are stepped back 12.2 to 12.4 metres from the southern face. The angled walls of the mechanical penthouses further reduce visibility from below. These angles, along with exterior lighting, accentuate the curvature of the tower form.

Unit Distribution and Amenity Space

The development proposes a combined total of 557 new residential dwelling units within both the east and west towers, comprised of 23 studio units (4%), 212 one-bedroom units (38%), 166 one-bedroom + den units (30%), 138 two-bedroom units (25%), and 18 three-bedroom units (3%).

The unit distribution between the east and west towers provides for a slightly greater density within the 35-storey west tower, which is proposed to contain a total of 317 residential units, comprised of 15 studio units (5%), 122 one-bedroom units (38%), 92 one-bedroom + den units (29%), 76 two-bedroom units (24%), and 12 three-bedroom units (4%). The 30-storey east tower is proposed to contain a total of 240 residential units, comprised of comprised of 8 studio units (3%), 90 one-bedroom units (38%), 74 one-bedroom + den units (31%), 62 two-bedroom units (26%), and 6 three-bedroom units (3%).

In addition, the proposal provides 1,070 square metres of indoor amenity space located on the 5th level. An additional 8,575 square metres of outdoor living space (i.e. balconies) are being provided as personal outdoor amenity area from levels 6 to 30 (east tower) and levels 6 – 35 (west tower) and will be distributed evenly amongst both towers and all units/hotel suites. Furthermore, 2,030 square metres of shared outdoor amenity space is provided for residential uses, with an additional 422 square metres reserved for the new office uses. The City's minimum requirement of 20 square metres of amenity space for each unit would require that 11,140 square metres of total amenity space be provided. The total amenity space proposed for the residential portion of the development is 11,875 square metres, which exceeds the City's minimum requirement by 6.6%. The total combined amenity space for both residential and non-residential uses is 12,097 square metres, which will provide for adequate amenity spaces for all permanent users throughout the development.

Access, Parking, and Loading

Parking would be provided on site via 4 levels of underground parking. In total, 598 parking spaces would be provided consisting of 557 spaces for residents and 41 spaces for the mixed-use components at a rate of 1.074 spaces per unit. The 1.074 spaces per residential dwelling unit is inclusive of parking to be shared between the mixed-use non-residential uses and visitor parking. In total 41 spaces will be allocated for mixed-use non-residential spaces and visitor parking. A total of 165 bicycle parking spaces is also provided for all uses. The 4 levels of underground parking will consist of both spaces for residents and for visitors. A total of 20 accessible parking spaces will be provided on site split between all 4 levels of underground parking, with easy access to elevators.

One access to the underground parking ramp and load area will be provided from Elizabeth Street and is located off of the west side of Elizabeth Street at the southeast corner of the subject site. Given the pedestrian access around the entire development, the proposed access, parking, servicing, and loading on site is provided from the side of the building in an area that will be least used by pedestrians, along the Elizabeth Street extension, which in our opinion serves only two properties and should be considered as a secondary street. The entrance facilities are well integrated into the rest of the frontage. The loading spaces are also provided at-grade in the southeast corner and are for the purpose of moving-in/moving-out, garbage pick-up, and other deliveries.

3.2 Key Statistics

Site Area	7,626 m^2 (0.7626 ha)
Total Gross Floor Area (GFA)	59,172 m^2
Total Residential GFA	42,078 m^2
Total Non-Residential GFA	16,024 m^2
Floor Area Ratio (FAR)	7.76 : 1
Density (Units Per Hectare)	730.4 uph
Average Tower Floor Plate Areas	East Tower: 742.3 m^2 West Tower: 747.0 m^2
Building Height (Storeys)	East Tower: 30 Storeys West Tower: 35 Storeys
Building Height (Metres)	East Tower: 104.5 m (including MP) West Tower: 119.3 m (including MP)
Residential Units	Studio: 23 units (4%) 1-bedroom: 212 units (38%) 1-bedroom + Den: 166 units (30%) 2-bedroom: 138 units (25%) 3-bedroom: 18 units (3%) **Total: 557 units (100%)**
Hotel Suites	122 suites
Total Amenity Space	12,097 m^2
Amenity Space (Residential Indoor)	1,070 m^2
Amenity Space (Residential Outdoor)	11,675 m^2
Amenity Space (Office Outdoor)	422 m^2
Vehicle Parking (Total)	598 spaces
Residential Vehicle Parking	557 spaces
Mixed-Use Non-Residential/Visitor Parking	41 spaces
Bicycle Parking	165 spaces
Front Yard Setback (Elizabeth Street)	2.0 m
Exterior Side Yard Setback (Lakeshore Road)	4.9 m
Interior Side Yard Setback	2.0 m
Rear Yard Setback	2.0 m
Lot Coverage	66.8%

3.3 Required Approvals

In our opinion, the proposed development is consistent with the Provincial Policy Statement, conforms to the Growth Plan and conforms to the policies of the Region of Halton Official Plan.

In our opinion, the current City of Burlington Official Plan is inconsistent with and fails to conform to the provincial and regional policy documents noted above and, in particular, as it relates to the permitted height and density of development. As such, the proposed development requires an amendment to the in-force City of Burlington Official Plan, as amended, in order to increase the permitted height and density to accommodate the proposal, and to remove restrictive Policy 5.5.9.2(l) identified as "Foot of Brant Street". In our opinion, and given the indeterminate deadline, the Waterfront Hotel Planning Study, which was initiated because of Policy 5.5.9.2(l), and which has never been completed, indefinitely sterilizes the subject site from redevelopment and from achieving its highest and best use potential. In our opinion, the removal of this policy is appropriate given the ongoing history associated with the site and related development attempts. Once Policy 5.5.9.2(l) is removed, the site would be allowed to be redeveloped more efficiently and in keeping with Provincial and Regional policy directions.

In this regard, a draft Official Plan Amendment has been prepared and is submitted as part of the complete applications.

Although the proposed development does not require an amendment to the new City of Burlington Official Plan, as it is currently under appeal and is not in-force and effect, our opinion remains consistent that the new City of Burlington Official Plan is inconsistent with the Provincial Policy Statement, fails to conform with the Growth Plan and fails to conform to the Region of Halton Official Plan. If the new City of Burlington Official Plan were in-force and effect, then an amendment that that plan would be required in order to accommodate additional height and density. In addition, the same "Foot of Brant Street" policy still applies through the new City of Burlington Official Plan, specifically, Chapter 12, Subsection 12.1.4(3), which would also have to be removed to facilitate the redevelopment of the site.

Similar to the above, in our opinion, the current City of Burlington Zoning By-law 2020 is inconsistent with and fails to conform to the provincial and regional policy documents noted above. In this regard, the proposed development requires an amendment to the City of Burlington Zoning By-law 2020, as amended, in order to increase the permitted height (above 8 storeys and 29 metres) and density (above 5.0:1 FAR) as well as other development standards, as necessary, to accommodate the proposal.

In this regard, a draft Zoning By-law Amendment has been prepared and is submitted as part of the complete applications.



4 Policy & Regulatory Context

As set out below, the re-development proposal is supportive of numerous policy directions set out in the Provincial Policy Statement, A Place to Grow: the Growth Plan for the Greater Golden Horseshoe, the Region of Halton Official Plan, and the in-force City of Burlington Official Plan, all of which promote the efficient use of land and infrastructure within built-up areas, specifically in Urban Growth Centres ("UGCs") and areas with close proximity to transit.

4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement ("PPS") is a consolidated statement of the government's policies on land use planning. It gives provincial policy direction on key land use planning issues that affect communities. Decisions affecting planning matters must be consistent with policy statements issued through the PPS.

On February 28, 2020, the Province released the new final approved Provincial Policy Statement which replaced the PPS issued on April 30, 2014. The 2020 PPS came into effect on May 1, 2020. While much of the PPS remains the same, key changes to the policy framework include:

- Adding further references to support a changing climate and green infrastructure;
- Policy direction that is responsive to the recommendations of the Province's Special Advisor on Flooding.
- Increasing the minimum requirement for housing land supply to 15 years
- Clarifying the policies related to market-based housing by adding a reference to affordable housing
- Providing flexibility for municipalities to consider residential development on rural lands that is locally appropriate, including lot creation
- Enhancing land use compatibility policies for sensitive land uses

One of the key policy directions continually expressed in the PPS is the need to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains a number of policies promoting intensification, redevelopment, and a compact built form, particularly in UGCs and areas well served by public transit and infrastructure, services, and facilities.

Section 1.1 of the PPS provides policy direction with respect to managing and directing land use to achieve efficient and resilient development and land use patterns. Policy 1.1.1 of the PPS provides that healthy, livable, and safe communities are sustained by promoting an efficient development and land use pattern to sustain an appropriate range and mix of residential dwellings, employment (including industrial and commercial), institutional, recreation, park and open space and other uses.

Policy 1.1.2 of the PPS provides that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years. Further, within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas[1].

1 **Designated growth areas:** *means lands within settlement areas designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2 of the PPS, but which have not yet been fully developed. Designated growth areas include lands which are designated and available for residential growth in accordance with policy 1.4.1(a) of the PPS, as well as lands required for employment and other uses.*

Section 1.1.3 of the PPS provides policy direction with respect to *Settlement Areas* within the Province. Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages, and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The subject site is located within a *Settlement Area* according to the definition provided by the PPS.

In this regard, Policy 1.1.3.1 of the PPS states that settlement areas shall be the focus of growth and development. Furthermore, Policy 1.1.3.2 of the plan states that land use patterns within settlement areas shall be based on densities and a mix of land uses that promotes efficient land uses, infrastructure and public service facilities and are transit-supportive, where transit is planned, exists, or may be developed.

Policy 1.1.3.3 requires planning authorities to identify and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment, where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities.

Policy 1.1.3.6 provides that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.

Section 1.3 of the PPS provides policy direction with respect to employment in in the Province. In this regard, Policy 1.3.1 requires planning authorities to promote economic development and competitiveness by providing an appropriate mix and range of employment and broader mixed-uses to meet long term needs, and to encourage compact, mixed-use development that incorporates compatible employment uses that support livable and resilient communities while ensuring necessary infrastructure is provided to support current and projected needs.

Section 1.4 of the PPS provides policy direction with respect to housing in the Province. In this regard Policy 1.4.1 provides that planning authorities shall provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area[2]. Specifically,

a. *maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

b. *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Policy 1.4.3 requires planning authorities to provide an appropriate range and mix of housing options and densities to meet projected market-base and affordable housing needs of current and future residents by, among others mechanisms, permitting and facilitating all types of residential intensification required to meet the social, heath, economic, and well-being requirements of all residents, directing the development of new

2 Regional market area: *refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.*

housing towards locations where appropriate levels of infrastructure and public service facilities are or will be, promoting densities for new housing which efficiently use land, resources, infrastructure and public services, as well as requiring transit-supportive development and prioritizing intensification in proximity to transit including corridors and stations.

Section 1.5 of the PPS provides policy direction with respect to public spaces, recreation, parks, trails, and open space. Since the proposed development is located adjacent to an existing public space and park (i.e., Spencer Smith Park), Policy 1.5.1 is applicable. Specifically, Policy 1.5.1 states that healthy, active communities should be promoted by:

a. *planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
b. *planning and providing for a full range and equitable* distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
c. *providing opportunities for public access to shorelines; and*
d. *recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas*

The efficient use of infrastructure, particularly public transit, is a key element of the Provincial Policy Statement found in Sections 1.6. Section 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to sewage, water and stormwater servicing, Policy 1.6.6.2 provides that municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Specifically, the PPS states that "within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services".

With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation. Furthermore, Policy 1.6.8.1 provides that corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems must be planned for and protected in order to meet current and projected needs.

Section 1.7 of the PPS provides policy direction with respect to long-term economic prosperity for the Province. In this regard, Policy 1.7.1 provides that long-term economic prosperity should be supported by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce, optimizing the availability and use of land, resources, infrastructure, and public service facilities, and encouraging a sense of place by promoting well-designed built form and cultural planning.

Section 1.8 of the PPS provides policy direction with respect to energy conservation, air quality and climate change. In this regard, Policy 1.8.1 gives specific direction on how planning authorities must support energy conservation, air quality and climate change. Specifically, through land use and development patterns which:

a. *promote compact form and a structure of nodes and corridors;*
b. *promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
c. *focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
d. *focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;*
e. *encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*

f. promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and

g. maximize vegetation within settlement areas, where feasible.

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposal is consistent with the Provincial Policy Statement and, in particular, the policies relating to residential intensification, the efficient use of land and infrastructure, the provision of a range and mix of housing options, and the promotion of economic development and competitiveness.

4.2 Growth Plan for the Greater Golden Horseshoe (2020)

On May 16, 2019, the Growth Plan (A Place to Grow: The Growth Plan for the Greater Golden Horseshoe) came into effect, replacing the Growth Plan for the Greater Golden Horseshoe, 2017. Furthermore, Amendment 1 (2020) to the 2019 Growth Plan (the "Growth Plan") was approved and came into effect on August 28, 2020.

The Growth Plan is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life. The Growth Plan provides a framework for implementing Ontario's vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe ("GGH"). It establishes a long-term framework for where and how the GGH will grow, while recognizing the realities facing our cities and smaller communities and acknowledging what governments can and cannot influence. It also demonstrated leadership for improving the ways in which our cities, suburbs, towns, and villages will grow over the long-term.

The subject site is located within the GGH planning area, and as such, the policies of the Growth plan apply to the proposed development.

All decisions made on or after this date in respect of the exercise of any authority that affects a planning matter are required to conform with the 2019 Growth Plan, subject to any legislative or regulatory provisions providing otherwise. Section 1.2.3 provides that the Growth Plan is to be read in its entirety and the relevant policies are to be appropriately applied.

While many policies in the 2019 Growth Plan are unchanged from the 2017 Growth Plan, modifications were made to policies related to employment areas, settlement area boundary expansions, agricultural and natural heritage systems, intensification and density targets, and major transit station areas ("MTSA").

The Guiding Principles which are important for the successful realization of the Growth Plan are set out in Section 1.2.1. Key principles relevant to the proposal include:

- Supporting the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritizing intensification and higher densities in Strategic Growth Areas to make efficient use of land and infrastructure and support transit viability;
- Support a range and mix of housing options to serve all sizes, incomes, and ages of households and;
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the need to optimize the use of the land supply and infrastructure. It includes objectives that support the development of complete communities and promotes transit supportive development in proximity to higher order transit. The preamble of Section 2.1 of the Growth states that:

Building compact and complete communities, will help reduce greenhouse gas emissions and ensure communities are more resilient to the impacts of climate change…To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on Strategic Growth Areas, including Urban Growth Centres[3] and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options… It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change.

Section 2.1 of the Growth Plan goes on to further emphasize the importance of optimizing land use in urban areas, stating that:

This Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.

Section 2.2 of the Growth Plan provides policy direction with respect to where and how to grow within the GGH. According to the Growth Plan, managing growth in the GGH comes down to allocating growth in focused areas. Specifically, Policy 2.2.1(2) states, among other scenarios, that:

a. *the vast majority of growth will be directed to settlement areas that:*
    i. *have a delineated built boundary;*
    ii. *have existing or planned municipal water and wastewater systems; and*
    iii. *can support the achievement of complete communities;*
b. *growth will be limited in settlement areas that:*
    i. *are rural settlements;*
    ii. *are not serviced by existing or planned municipal water and wastewater systems; or*
    iii. *are in the Greenbelt Area;*
c. *within settlement areas, growth will be focused in:*
    i. *delineated built-up areas;*
    ii. *Strategic Growth Areas;*
    iii. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with existing or planned public service facilities; […]*

The Growth Plan defines Strategic Growth Areas as locations within settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed-uses in a more compact built form. Strategic growth areas include Urban Growth Centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as Strategic Growth Areas.

3 **Urban Growth Centres**: *are defined in the Growth Plan as existing or emerging downtown areas shown in Schedule 4 of the Growth Plan and as further identified by the Minister on April 2, 2008.*

The subject site is located within the City of Burlington which is a settlement area that has a delineated built boundary, has existing municipal water and wastewater systems, and can support the achievement of complete communities. Furthermore, the subject site is located within the City's Urban Growth Centre as identified on Schedule 2 – A Place to Grow Concept (see **Figure 16** - Schedule 2, A Place to Grow Concept) and is thus defined as a "Strategic Growth Area" following the definition in the Growth Plan. To reiterate, these are areas intended to accommodate intensification and higher-density mixed-uses in a more compact built form.

Furthermore, not only does the subject site fall within the City's current Urban Growth Centre, but it is also located within a Major Transit Station Area (i.e. the Downtown Burlington Bus Depot 140 metres away), and therefore, represents a major opportunity for development and intensification. The Growth plan defines MTSAs as the area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. MTSAs are generally defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.

The planned density targets for MTSAs are similar to those in the 2017 Growth Plan. However, in the 2019 Growth Plan, MTSAs have been redefined as the area within an approximate 500 to 800 metre radius of a major bus depot, as opposed to approximately 500 metres in the 2017 Plan. The subject site is approximately 150 metres away from the Downtown Burlington Bus Station. The City of Burlington is currently in the process of reviewing the appropriateness of the existing MTSA designation for the Downtown Burlington Bus station with the Regional Municipality of Halton. However, the existing MTSA designation is currently in place and has not been changed.

Policy 2.2.1.3(c) goes to on to state that municipalities shall undertake integrated planning to manage forested growth to the horizon of this Plan, which will, among others, provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors to support the achievement of complete communities through a more compact built form.



Figure 16 - Schedule 2, A Place to Grow Concept

In this respect, Schedule 3 of the Growth Plan forecasts a population of 1,100,000 and 500,000 jobs for the Region of Halton by 2051. The 2016 Census indicates that population growth in Halton is continuing to fall short of the Growth Plan forecasts. The 2006 Growth Plan forecasted a population of 520,000 for 2011, while its actual population in 2011 was 501,674. At a point that is now midway through the 2001-2031 forecast period, the 2016 population of 563,791 is only 51.3% of the way toward achieving the population forecast of 1,100,000 by 2051.

Policy 2.2.1(4) provides that applying the policies of this Plan will support the achievement of complete communities that will feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities, improve social equity and overall quality of life, including human health, for people of all ages, abilities and incomes, provide a diverse range and mix of housing options, expand convenient access to a range of public transit options, provide a more compact built form and vibrant public realm, and to mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability.

Policy 2.2.2(1) of the Plan states that by the time the next municipal comprehensive review is approved and in effect, a minimum intensification target of 50 percent of all residential development occurring within Halton Region shall be within the delineated built-up area. Policy 2.2.2(3) further provides that all municipalities are required to develop a strategy to achieve the minimum intensification targets that will include, among other things, identifying Strategic Growth Areas to support achievement of the intensification target, identify the appropriate type and scale of development in Strategic Growth Areas and transition of built form to adjacent areas, encourage intensification throughout the delineated built-up area, and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities.

Section 2.2.3 provides policy direction with respect to planning and development in the GGH's Urban Growth Centres. Since the subject site is located within Burlington's current Urban Growth Centre, the policies in Section 2.2.3 apply to the proposed development. Specifically, Policy 2.2.3(1) speaks to Urban Growth Centres and how they will be planned, which include, among others, to accommodate significant population and employment growth. Policy 2.2.3(2) provides that Urban Growth Centres are planned to achieve by 2031 or earlier, a minimum density target of 200 residents and jobs combined per hectare for Downtown Burlington.

Section 2.2.4 of the Growth Plan provides policy direction with respect to planning around MTSAs and along transit corridors. Since the subject site is located within a MTSA, the policies of Section 2.2.4 apply to the proposed development. In this regard Policy 2.2.4(1) states that priority transit corridors shown on Schedule 5 will be identified in official plans and that planning will be prioritized for 'Major Transit Station Areas' on 'Priority Transit Corridors' including zoning in a manner that implements the policies of this Plan. The subject site is located within a MTSA, and in our opinion, is connected to the Queen Elizabeth Way priority transit corridor via multimodal connections from local transit services.

Policy 2.2.4(2) requires the City of Burlington to delineate the boundary of MTSAs in a transit-supportive manner that maximizes the size of the area and number of potential transit users that are within walking distance. As stated in policy 2.2.4(3) major transit station areas on priority transit corridors will be planned for a minimum density target of 160 residents and jobs combined per hectare for those that are served by bus rapid transit and 150 residents and jobs combined per net hectare for those that area served by the GO Transit rail network. Policy 2.2.4(6) goes on to further state that within 'major transit station areas' land uses and built form that would adversely affect the achievement of the minimum density targets in this Plan will be prohibited.

Finally, Policy 2.2.4(9) provides that within all 'major transit station areas' development will be supported, where appropriate, by planning for a diverse mix of uses, providing alternative development standards such as reduced parking standards, and by prohibiting land uses and built form that would adversely affect the achievement of transit-supportive densities. The Plan further goes on to say in policy 2.2.4(10) that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

Section 2.2.5 of the Growth Plan provides policy direction with respect to employment in the GGH. Since the proposed development will result in the creation of new commerce opportunities on site and related jobs, the policies in Section 2.2.5 apply. In this regard, Policy 2.2.5(1) provides that economic development and competitiveness in the GGH will be promoted by:

a. making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
b. ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
c. planning to better connect areas with high employment densities to transit; and
d. integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The proposed development includes a component of new retail and office uses. In this regard, Policy 2.2.5(3) states that retail and office uses will be directed to locations that support active transportation and have existing or planned transit.

Section 2.2.6 of the Growth Plan speaks to housing in the GGH. In this regard, Policy 2.2.6(1) states that the City shall support housing choices through the achievement of the minimum intensification and density targets in this Plan by, among others, identifying a diverse range and mix of housing options and densities to meet projected needs of current and future residents as well as establishing targets for affordable ownership housing and rental housing. Notwithstanding policy 1.4.1 of the PPS, policy 2.2.6(2) states that by implementing policy 2.2.6(1) of this Plan, municipalities will support the achievement of complete communities through planning to accommodate forecasted growth to the horizon of this plan, planning to achieve the minimum intensification and density targets in this Plan, considering the range and mix of housing options and densities of the existing housing stock, and by planning to diversity their overall housing stock across the municipality.

Chapter 3 of the Growth Plan establishes the policy framework with respect to the infrastructure required to support growth. Generally, the infrastructure policies set out in Chapter 3 place an emphasis on the need to integrate land use planning and investment in both infrastructure and transportation. The introductory text in Section 3.1 states that:

> *The infrastructure framework in this Plan requires that municipalities undertake an integrated approach to land use planning, infrastructure investments, and environmental protection to achieve the outcomes of the Plan. Co-ordination of these different dimensions of planning allows municipalities to identify the most cost-effective options for sustainably accommodating forecasted growth to the horizon of this Plan to support the achievement of complete communities. It is estimated that over 30 per cent of infrastructure capital costs, and 15 per cent of operating costs, could be saved by moving from unmanaged growth to a more compact built form. This Plan is aligned with the Province's approach to long-term infrastructure planning as enshrined in the Infrastructure for Jobs and Prosperity Act, 2015, which established mechanisms to encourage principled, evidence-based, and strategic long-term infrastructure planning.*

Section 3.2 provides specific policy direction in this respect. Policy 3.2.3(1) states that public transit will be the first priority for transportation infrastructure planning and major transportation investments. Policy 3.2.3(2) further provides that all decisions on transit planning and investment will be made according to the following; prioritize areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency of planned transit services, increase the capacity of existing transit to support 'Strategic Growth Areas', expanding transit service to areas that have achieved, or will be planned to achieve, transit-supportive densities and provide a mix of residential, office, institutional, and commercial development wherever possible, and by contributing towards the provincial greenhouse gas emissions reduction targets, amongst others.

Chapter 4 of the Growth Plan establishes the policy framework with respect to protecting valuable assets throughout the GGH. Section 4.2.5 provides policy direction with respect to protecting public open spaces. Since the subject site is located adjacent to a public open space (i.e., Spencer Smith Park), the policies within Section 4.2.5 are applicable. Specifically, Policy 4.2.5(1) provides that the City, along with the applicable conservation authority, non-governmental organizations, and other interested parties are encouraged to develop a system of publicly accessible parkland, open space, and trails, including in shoreline areas, within the GGH that:

a. *clearly demarcates where public access is and is not permitted;*
b. *is based on a co-ordinated approach to trail planning and development; and*
c. *is based on good land stewardship practices for public and private lands.*

Section 4.2.10 of the Growth Plan speaks to climate change and provides a policy framework that municipalities must follow to help reduce greenhouse gas emissions and address climate change adaption goals. In this regard, Policy 4.2.10(1) states that these policies will include, among other mechanisms, support the achievement of complete communities as well as the minimum intensification and density targets in this Plan, reducing the dependency on the automobile and supporting existing and planned transit and active transportation. In planning to reduce greenhouse gas emissions and address the impacts of climate change, policy 4.2.10(2) provides that municipalities are encouraged to develop strategies to reduce greenhouse gas emissions and improve resilience through land use planning and planning for infrastructure.

Chapter 5 of the Growth Plan establishes the policy framework implementing and interpreting the policies therein. Section 5.2.5 provides the policy direction with respect the minimum intensification targets, with Policy 5.2.5(6) stating that in planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high-quality public realm and compact built form.

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposed development conforms with the Growth Plan and, in particular, the policies that seek to optimize the use of land and infrastructure and to encourage growth and intensification in "Strategic Growth Areas", including "Urban Growth Centres" and around MTSAs.

4.3 Halton Regional Official Plan (2018 Office Consolidation)

The Halton Regional Official Plan ("ROP") is Halton's guiding document for land use planning and was adopted by Regional Council as Regional Official Plan Amendment No. 38 (ROPA 38) on December 16, 2009, following the review of the former Halton Regional Official Plan, 2006. In 2011, the Province modified and approved ROPA 38, which was subsequently appealed in its entirety to the Ontario Municipal Board (OMB) from 2012-2017, with certain site-specific appeals outstanding.

The subject site is located within the City of Burlington, which is one of the lower tier municipalities comprising the Regional Municipality of Halton. As such, the policies of the ROP apply to the subject site, and any decision related to the proposed development must conform to the policies within the ROP.

Halton's Planning Vision

Part 2 of the ROP sets out the Region's planning vision and identifies that there will be three primary land use categories in the ROP: 1) settlement areas; 2) the rural countryside; and 3) the natural heritage system.

Policy 31 of the ROP sets a vision for planning Halton's future by building "healthy communities" and through defining a "healthy community" as one: where a full range of housing, employment, social, health, educational, recreational and cultural opportunities are accessible for all segments of the community (Policy 31(4)); and, where mobility is provided primarily through an affordable, convenient, safe and efficient public transportation system and non-motorized travel modes (Policy 31(5)), among others.

Halton's Regional Structure

The Regional Structure, as shown on Map 1 of the ROP, represents Halton's position on the use of land and natural resources within its planning area. Section 50.2 describes the three broad land use categories:

1. Settlement Areas, consisting of the Urban Area, Hamlets and Rural Clusters, as shown on Maps 1E and 1G,
2. Agricultural System, consisting of the Agricultural Area and those parts of the Natural Heritage System outside the Key Features or where the only Key Feature is a significant earth science area of natural and scientific interest, as shown on Map 1E, and
3. Natural Heritage System, consisting of the Regional Natural Heritage System and the Greenbelt Natural Heritage System, as shown on Map 1G.

The subject site is located within a Settlement Area, within Regional Built Boundary, and forms part of the Region's Urban Areas, as identified on Map 1 – Regional Structure of the ROP. In addition, Map 1 also identifies the subject site as being located within the Burlington Urban Growth Centre and within the limits of a "Mobility Hub" (see **Figure 17** - Map 1, Regional Structure).

Map 3 of the ROP lays out a functional plan of Major Transportation Facilities and identifies Lakeshore Road (where it abuts the subject site) as a 'Minor Arterial' and again locates the site within "Mobility Hub" a (see **Figure 18** Map 3, Functional Plan of Major Transportation Facilities). Map 4 of the ROP identifies the ROW width requirements for arterial roads and defers the ROW width requirements to the City Official Plan.

Policy 50.2 of the ROP discusses Halton's Regional Structure which implements Halton's planning vision for its future landscape by organizing land uses into three broad categories, one of which encompasses the subject site, as describes in Policy 50.2(1) with regard to Settlement Areas, consisting of the Urban Area use designation. Policy 51(1) describes the Urban Area where urban services are provided to accommodate concentrations of existing and future development.

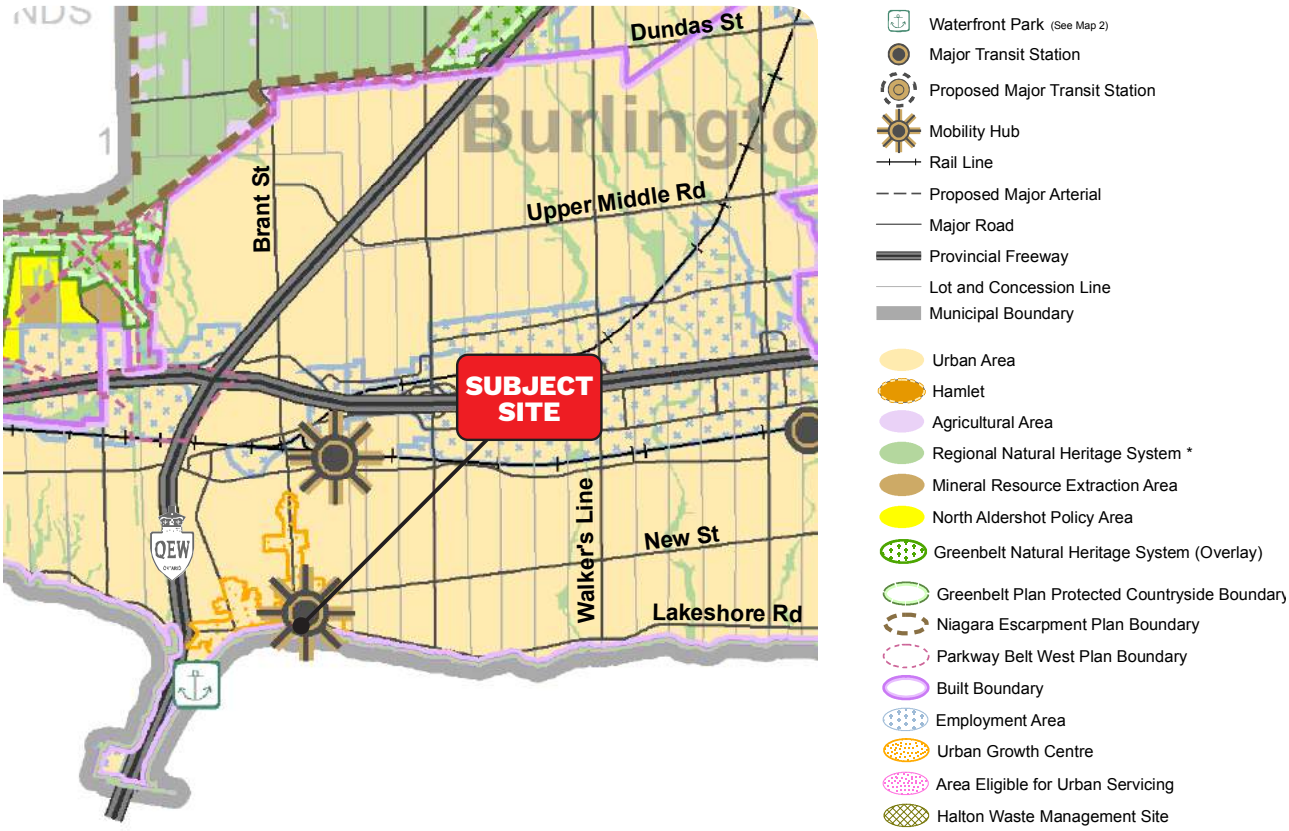


Figure 17 - Map 1, Regional Structure

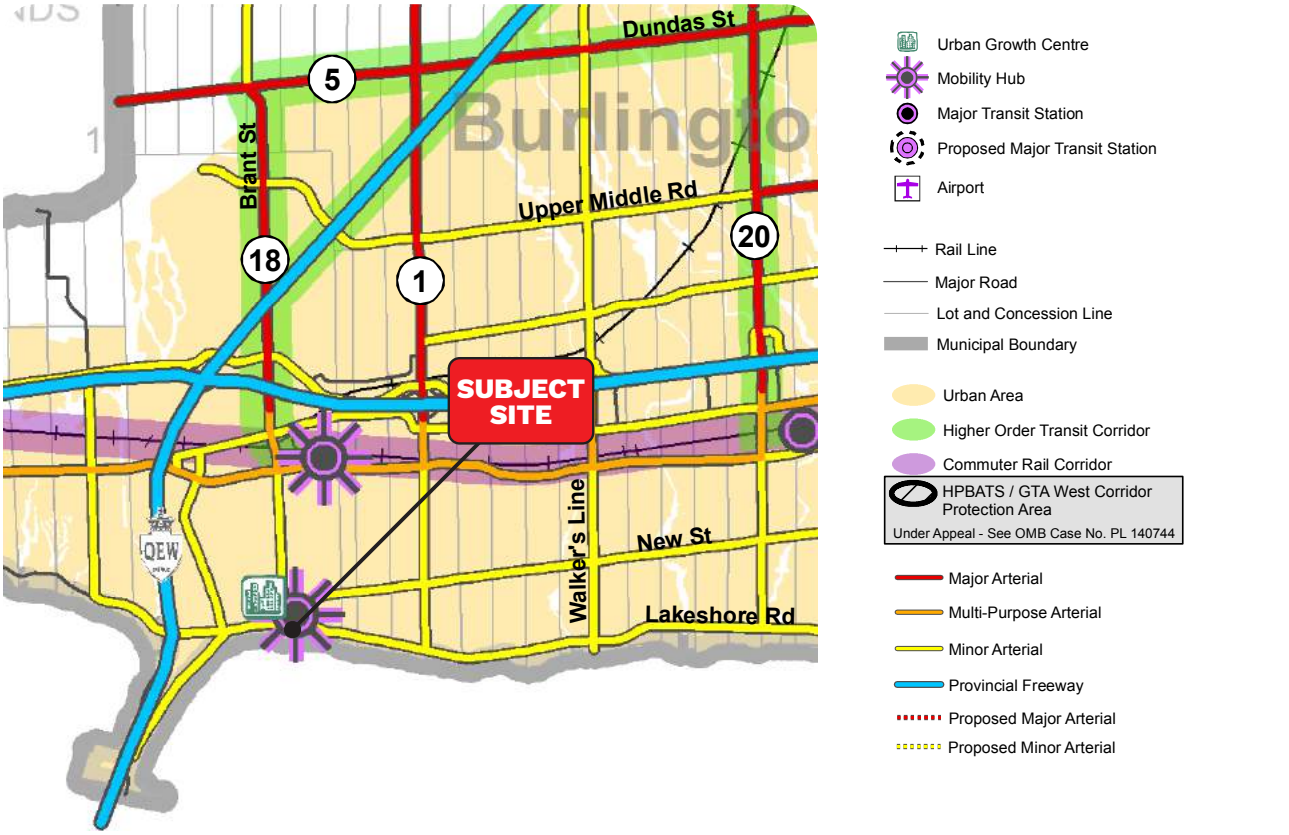


Figure 18 - Map 3, Functional Plan of Major Transportation Facilities

The Regional Structure also sets out targets for intensifying development within the Built-Up Area, and development density in the Designated Greenfield Areas. Policy 55 of the ROP describes that the Regional Structure is accompanied by a growth strategy for Halton based on the distribution of population and employment for the planning horizon year of 2031, as contained in Table 1 of the ROP. Table 1 identifies a 2006 population of 171,000 for the City of Burlington with an increase to 193,000 by the horizon year of 2031 representing a 12.9% increase. Similar to population forecasts, the Region anticipates that the City of Burlington will increase their employment forecasts by 88,000 in 2006 to 106,000 in the horizon year of 2031 representing a 17% increase. Further, as per Table 2 (Intensification and Density Targets) of the ROP, the Region anticipates that the City of Burlington will increase their total number of new housing units in the Built-Up Area to 8,300 units between 2015 to 2031 to density of 45 residents and jobs combined per hectare. These forecasts are further expanded in Table 2A – Regional Phasing with the City of Burlington being expected to contribute 2,758 dwelling units and 4,136 jobs in the 2017-2021 planning window.

Urban Area

Section 72 to 77 of the ROP provides the goals, objectives, and policy framework with respect to the 'Urban Area' designation, the objectives of the Urban Area are set out in Section 72, and include:

- *To accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently.*
- *To support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduces the dependence on the automobile, makes efficient use of space and services, promotes live-work relationships, and fosters a strong and competitive economy.*
- *To provide a range of identifiable, inter-connected and complete communities of various sizes, types, and characters, which afford maximum choices for residence, work, and leisure.*
- *To ensure that growth takes place commensurately both within and outside the Built Boundary.*
- *To establish a rate and phasing of growth that ensures the logical and orderly progression of development, supports sustainable and cost-effective growth, encourages complete communities, and is consistent with the policies of this Plan.*
- *To identify an urban structure that supports the development of Intensification Areas.*
- *To plan and invest for a balance of jobs and housing in communities across the Region to reduce the need for long distance commuting and to increase the modal share for transit and active transportation.*
- *To facilitate and promote intensification and increased densities.*
- *To provide for an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet long-term needs.*

Policy 74 states that within the Urban Area and Urban Growth Centres, which encompasses the subject site, have urban services available or will be made available to accommodate existing and future urban development and amenities. The ROP further provides in Policy 75 that the Urban Area is planned to accommodate the distribution of population and employment for the Region and the local municipalities shown in Table 1 and Table 2a. Policy 76 states that the range of permitted uses will be in accordance with local Official Plans and Zoning By-laws.

Policy 77(2.1) provides that a minimum of 40% of new residential development occurring annually within Halton in 2015 and every year thereafter shall be directed to the Built-Up Area.

Intensification Area

Policy 80 of the ROP refers to Intensification Areas as part of the Urban Area and consists of Urban Growth Centres, Major Transit Station Areas, Intensification Corridors, and Mixed-Use Nodes. In this regard, the subject site is part of all 4 intensification categories, falling within Burlington's current Urban Growth Centre, within a MTSA, and within an intensification corridor and mixed-use node.

Policy 78 of the ROP sets out the objectives of Intensification Areas, which are, amongst other matters:

> *78(1) to provide an urban form that is complementary to existing developed areas, uses space more economically, promotes live-work relationships, fosters social interaction, enhances public safety and security, reduces travel by private automobile, promotes active transportation, and is environmentally more sustainable;*
>
> *78(3) to provide a range of employment opportunities, facilities and services in centralized locations that are readily accessible by public transit;*
>
> *78(4) to provide a diverse and compatible mix of land uses, including residential and employment uses to support neighbourhoods;*
>
> *78(5) to create a vibrant, diverse, and pedestrian-oriented urban environment;*
>
> *78(6) to cumulatively attract a significant portion of population and employment growth;*
>
> *78(7) to provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places;*
>
> *78(8) to support transit and active transportation for everyday activities;*
>
> *78(9) to generally achieve higher densities than surrounding areas; and*
>
> *78(10) to achieve an appropriate transition of built form to adjacent areas.*

As well, Policies 78(11)(a) and (b) provide that MTSAs and intensification corridors are planned to achieve increased residential and employment densities in order to ensure the viability of existing and planned transit infrastructure and service, along with a mix of residential, office, institutional and commercial development, where appropriate. Furthermore, Policy 78(11)(c) states that MTSAs and intensification corridors are also planned "to provide access from various transportation modes to the transit facility, including consideration of, but not limited to, pedestrians, bicycle routes and bicycle parking, commuter pick-up/drop-off areas, carpool parking, car share vehicles, and parking/recharging stations for electric vehicles". A final objective, is for intensification corridors to accommodate local services, including recreational, cultural and entertainment uses.

According to Policy 81, the Region's responsibility with respect to intensification areas, is to, amongst other matters:

1. *Direct development with higher densities and mixed-uses to Intensification Areas.*
2. *Require Local Official Plans to identify Intensification Areas with detailed boundaries in accordance with the objectives and policies of this Plan.*
3. *Require the Local Municipalities to prepare detailed official plan policies or an Area-Specific Plan for the development of a new Intensification Area or the redevelopment of an existing Intensification Area, in accordance with Sections 48 and 77(5) of this Plan. The provisions for Intensification Areas may be incorporated as part of a larger community plan.*
4. *Require Area-Specific Plans or policies for Intensification Areas to include:*
    a. *transportation network designed to integrate active transportation, local transit services and inter-municipal/inter-regional higher order transit services; and*
    b. *urban design guidelines to promote active transportation and transit supportive land uses in accordance with Regional standards under Section 81(5).*

5. *Adopt alternative design standards for Arterial Roads through Intensification Areas to promote active transportation, pedestrian-oriented development and transit-friendly facilities while maintaining the mobility function of the Major Arterial Road.*

In order to implement these Regional policy directives, Policy 81(7) sets out the framework for implementation with the onus on Burlington to:

a. *include Official Plan policies and adopt Zoning By-laws to meet intensification and mixed-use objectives for Intensification Areas;*
b. *prescribe in Official Plans and Zoning By-laws minimum development densities for lands within Intensification Areas;*
c. *prohibit site-specific Official Plan or Zoning By-law amendments to reduce development density within an Intensification Area unless it is part of a municipal comprehensive review of the Official Plan or a review of the Area-Specific Plan for the Intensification Area; and*
d. *promote development densities that will support existing and planned transit services.*

In addition, Policy 81(7.2) states that the Region should consider intensification and development of Intensification Areas as the highest priority of urban development within the Region and implement programs and incentives, including Community Improvement Plans under the Planning Act, to promote and support intensification.

In many instances, intensification requires designing and building out a site to its highest and best use, and ultimately, in our opinion, it means increasing density. On existing parcels in Intensification Areas, this usually involves a balance of objectives. One of the objectives that must be considered is the requirement for parking. In this regard, Policy 81(8) states that Burlington is encouraged to adopt parking standards and policies within Intensification Areas to promote the use of active transportation and public transit.

Urban Growth Centres

Policies 81.1 to 83 provide policy direction with respect to development in the Region's Urban Growth Centres ("UGC"). The Urban Growth Centres are identified on Map 1 – Regional Structure (refer to **Figure 17** above). The UGCs are parts of Intensification Areas, which in turn are parts of the Urban Area and, therefore, are subject to the objectives and policies for both Intensification Areas and the Urban Area.

The subject site is located within the current Urban Growth Centre of the City of Burlington.

Policy 81.1 outlines the Region's objectives for the UGCs, stating that the objectives for these areas are:

1. *To serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses.*
2. *To accommodate and support major transit infrastructure.*
3. *To serve as high density major employment centres that will attract provincially, nationally, or internationally significant employment uses.*
4. *To accommodate a significant share of population and employment growth.*

According to Policy 81.3 the Region requires UGC to achieve a minimum development density target of 200 residents and jobs combined per gross hectare by 2031 or earlier.

Housing Policies

Policies 84 to 86 of the ROP provide the goals, objectives, and policy framework with respect to housing in Halton Region. The Region's housing goal is to provide an adequate mix and variety of housing types to satisfy differing physical, social, and economic needs. The Region's objectives for housing are, among other things to:

- *establish housing targets by type and appropriate density for the Local Municipalities and the Region as a whole;*
- *coordinate, improve upon, and expedite the development approval process so as to reduce the overall cost of housing;*
- *make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods; and*
- *encourage the Local Municipalities to maintain the quality of the existing housing stock.*

New development applications are monitored by the Region to achieve, at all times, a minimum three-year supply of draft approved and/or registered residential units for the *Region* as a whole. In this regard, the Region adopted the following housing targets:

a. *that at least 50 per cent of new housing units produced annually in Halton be in the form of townhouses or multi-storey buildings; and*
b. *that at least 30 per cent of new housing units produced annually in Halton be Affordable or Assisted Housing.*

The Region requires the City of Burlington, through their Official Plan, to provide an appropriate mix of housing by density, type, and affordability, consistent with current and projected demands reflecting socio-economic and demographic trends. The proposed site-specific Official Plan and Zoning By-law Amendments will implement the Region's housing objectives.

Urban Services

Sections 87 to 89 of the ROP provide the goals, objectives, and policy framework with respect to urban water and wastewater treatment services. The goal for urban services throughout the Region, is to ensure the adequate provision of urban services to achieve Halton's development objectives while being conscientious of the need to protect the environment. The objectives for urban services in Halton Region are to:

1. *provide satisfactory levels of urban services in the Urban Area to meet existing and future requirements; and*
2. *provide a staged program for the improvement and extension of urban services:*
    a. *within the financial capabilities of the Region,*
    b. *meeting or exceeding provincial environmental standards, and*
    c. *based on the Joint Infrastructure Staging Plan.*

The subject site is located within the built-up portion of the Urban Area as illustrated on Map 1 – Regional Structure. Full urban services are to be provided within the Urban Area, according to Policy 89. Approvals for all new development within the Urban Area are on the basis of connection to Halton's municipal water and wastewater systems, unless otherwise exempt by other policies of the ROP.

Urban water and wastewater services are available to service the proposed development. In this regard, S. Llewellyn & Associates Limited was retained to assess the servicing requirements for the proposed development and develop a servicing strategy in keeping with Regional and City engineering requirements. A summary of the servicing report is provided in Section 5.8 of this report. The Region will monitor the servicing requirements of the proposed development in terms of allocations of water supply and wastewater treatment capacities to ensure that total system capacities, with an adequate reserve for operational flexibility and emergency situations, are not exceeded and to provide sufficient lead time for the planning, approvals, and construction of new facilities.

Environmental Quality

The goals, objectives, and policy framework with respect to maintaining a high-quality environment, for current and future generations are set out in Sections 140 - 149. Objectives include the promotion of and use of active transportation to reduce automobile dependency. To support this objective the ROP directs new development to consider access to public transit services or transit stops in their design, with a goal walking distance of 400m

The Region also seeks to maintain, protect, and enhance the quality and quantity of both ground and surface water by (in part) restricting development and site alteration in or near sensitive surface and ground water features and requiring an Environmental Impact Assessment to protect, improve or restore such features. Trees are generally recognized and protected as a renewable natural resource. Accordingly, all development is required (to the maximum degree possible) to preserve existing trees and plant additional trees and prepare and submit an inventory of trees on site along with a tree saving and planting plan where a development proposes the removal of any trees.

Transportation

Sections 171 to 173 of the ROP provide the goals, objectives, and policy framework with respect to transportation in the Region. Regional objectives with respect to transportation are:

(2) To develop a balanced transportation system that:

a) reduces dependency on automobile use;

b) includes a safe, convenient, accessible, affordable, and efficient public transit system that is competitive with the private automobile; and

c) promotes active transportation.

(6) To support seamless public transit services in Halton that:

a) provide a high level of service internally within Halton,

b) include continuous enhancements of the GO Transit system within Halton,

c) are connected to a higher order transit network throughout the Greater Toronto and Hamilton Area,

d) are complemented and supported by a network of active transportation facilities, and

e) are fully integrated both internally and externally in terms of fare and service.

(9) To support the early introduction of public transit service in new development and redevelopment areas and in Intensification Areas.

(9.1) To ensure development is designed to support active transportation and public transit.

(12) To support the provision of public transit service, within reasonable walking distance and at reasonable cost, to all sectors of the public, including persons with a physical disability.

The Region has adopted a Functional Plan of Major Transportation Facilities, which is illustrated on Map 3 and described in Table 3 of the ROP, for the purpose of meeting travel demands for year 2021 as well as protecting key components of the future transportation system to meet travel demands beyond year 2021.

The subject site is located along Lakeshore Road, which is identified as 'Minor Arterial' on Map 3 where it abuts the subject site (see **Figure 18**). Policy 173(22) of the ROP requires the completion of Transportation Impact Study ("TIS") for any development that will impact traffic in the Region along any road. The TIS must assess the impact of the proposal and recommend any necessary improvements to the transportation network and services consistent with the goals, objectives, and policies of the ROP.

Furthermore, Policy 173(25) of the ROP allows the Region to secure, any necessary rights-of-way and sites for transit stops and stations and commuter parking or mode transfer facilities for the implementation of local and inter-regional transit systems within Halton, through the development process and/or strategic property acquisitions.

The Owner has retained Paradigm Transportation Solutions Limited ("Paradigm") to undertake and complete a TIS. Transportation related matters, proximity to transit, and the results of the TIS are addressed in Section 5.0 of this report below. The proposed development provides for the identified road widening along Lakeshore Road.

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposed development, conforms with the Region of Halton Official Plan and specifically the policies that: support building healthy communities; development in the urban areas, Major Transit Station Areas, Intensification Areas, and Urban Growth Centres; the provision of a range and mix of housing types; the provision of an appropriate range and balance of employment uses including office and retail uses to meet long-term needs; and the provision of a safe, convenient, accessible, affordable and efficient transportation system in Halton.

4.4 Halton Regional Official Plan Review (ROPR)

The Region of Halton is currently in the process of reviewing its Official Plan as part of the mandatory Planning Act review, that requires regional and municipal governments to undertake a review of their Official Plans every five years. The process began in 2014 leading to Council's adoption of the Phase 1: Directions Report in fall 2016. A phased review, the process will involve three-phases which includes the Phase 1 Directions Report identifying key land use matters, Phase 2 involving an in-depth analysis of data and land use policies documented in a series of discussion papers, and Phase 3 involving the drafting and adoption of land use policy changes through a comprehensive amendment to the Region of Halton Official Plan. Phase 2 is currently underway and is expected to conclude in 2021. Phase 3 is upcoming.

4.5 Regional Official Plan Amendment 48

Regional Official Plan Amendment ("ROPA") 48 is an amendment to the Halton Region Official Plan, that was intended help define and provide direction on urban structure, such as Urban Growth Centres, Major Transit Station Area, Regional Nodes, and employment areas. It was adopted by Regional Council through By-law No. 31-21 on July 7, 2021. ROPA 48 implements components of the Regional Urban Structure in order to establish a hierarchy of strategic growth areas in the Regional Official Plan. It was the first amendment to be considered by Regional Council as part of the Regional Official Plan Review discussed previously.

Amongst a variety of other changes, ROPA 48 introduced changes to the Region's Urban Growth Centres, including adjustments to Urban Growth Centre boundaries, and minor policy changes to achieve conformity with the Growth Plan. The Downtown Burlington UCG will be relocated through ROPA 48 to align with the lands in proximity to the Burlington GO Station on Fairview Street and remove approximately 19 hectares of land from the existing UGC area (see **Figure 19** - ROPA 48 Proposed Downtown Burlington Urban Growth Centre).

The relocation of Burlington's UGC from its Downtown to Burlington GO Station Major Transit Station Area is the most applicable change to the subject site that has been introduced through ROPA 48. In addition, ROPA 48 introduces a new Regional Structure map (see **Figure 20** - Map 1H ROPA 48 Regional Urban Structure), which locates the subject site within a 'Secondary Regional Node'.



Figure 19 - Proposed Regional Urban Structure Map

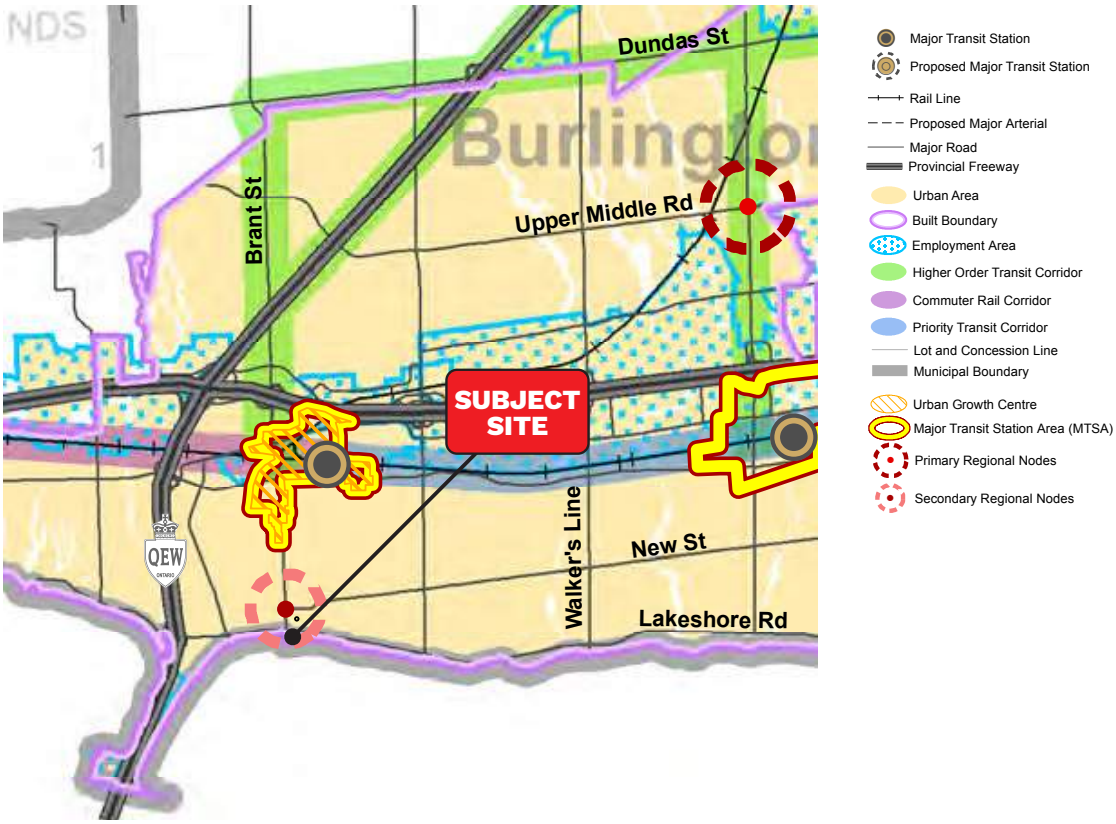


Figure 20 - Map 1H ROPA 48, Proposed Regional Urban Structure

According to ROPA 48, Secondary Regional Nodes are considered part of the Region's Strategic Growth Areas, and are identified as Priority No. 6 in the Region's hierarchy of Strategic Growth Areas, among the following:

1. *Urban Growth Centres / Major Transit Station Areas on a Priority Transit Corridor;*
2. *Urban Growth Centres / Major Transit Station Areas on a Commuter Rail Corridor;*
3. *Major Transit Station Areas on a Priority Transit Corridor;*
4. *Major Transit Station Areas on a Commuter Rail Corridor;*
5. *Primary Regional Nodes;*
6. *Secondary Regional Nodes; and,*
7. *Regional Corridors.*

As well, Secondary Regional Nodes are further identified as having a concentration of residential and employment uses with development densities and patterns supportive of active transportation and public transit. Lastly, Secondary Regional Nodes are defined in ROPA 48 as "as historic downtown areas or villages" that are intended to be a focus for growth through mixed-use intensification at a scale appropriate for their context. This includes the Burlington Downtown Urban Centre.

ROPA 48 also provides for strategic growth area targets for Downtown Burlington, setting a minimum density target of 200 residents and jobs combined per hectare, which for Urban Growth Centres, must be achieved by 2031, and for Major Transit Station Areas and Regional Nodes, must be achieved beyond the 2051 planning horizon.

It is noted that ROPA 48 is not currently in force and effect, as it is currently with the Ministry of Municipal Affairs and Housing (the "Ministry") for review and approval and is posted on the Environmental Registry of Ontario. A commenting period was provided between August 9, 2021, and September 8, 2021, during which the applicant submitted comments to the Ministry in opposition of the proposed relocation of the Burlington UGC.

4.6 City of Burlington Official Plan

The City of Burlington Official Plan ("OP"), office consolidation October 2017, was approved by the Ontario Municipal Board (OMB) on October 24th, 2008. The OP was originally approved in 1997 and has been amended many times over the years in an effort to keep it generally up to date with emerging provincial and regional policy, with the text and maps having been updated in December 2019.

However, both the City of Burlington and the Region of Halton have identified that the existing OP is out of date and a City-initiated process has been ongoing to develop a new Official Plan.

Notwithstanding the status of the new OP, the current OP remains in force and effect as the guiding policy document for the City's long-range land-use strategy and is intended to ensure that future planning and development within the City will also meet the specific needs of the community. It contains goals and policies to guide the City's decisions on growth, land use and good design.

Part I, Section 2.0 of the OP provides that the planning horizon for the Plan extends to the year 2021 and anticipates that the population of the City will not exceed approximately 182,000 people within approximately 73,600 households, by the end of the planning period. Further, it is also expected that the employment level in the City will be approximately 108,000 in the year 2021. Part I, Section 3.0(h) of the Official Plan promotes intensification of residential and other land uses in the Urban Planning Area, among others, to fulfill Provincial Growth management objectives.

The policy framework in Part I, Section 4.3 provides for a number of policy directions, which encourages a greater diversity of housing types to meet changing needs of the population, the development of a more self-contained city by encouraging greater live-work relationship, the focusing of more intense land uses into specified mixed-use centres and along certain roads, and to direct population growth towards underutilized or vacant parcels in existing communities, specifically to the Downtown mixed-use centres. Section 4.3 also provides: that new residential growth will be mainly in the form of more compact housing to meet the needs of the changing population; encouraging a broader mix of residential dwellings in terms of type, cost, and size; that new residential development will be planned considering all forms of travel and be supportive of safe pedestrian and vehicle movement; to provide commercial development within Mixed-use Centres and Mixed-use Corridor locations; and, in respect to the Downtown, to encourage retail and office development along the core streets, particularly Brant Street and maintaining good housing stock, encouraging residential development, re-development, and intensification and providing a stronger link to the waterfront.

Schedule K – Classification of Transportation Facilities (Downtown Area) identifies Lakeshore Road, where it abuts the subject site, as a *Minor Arterial* road (see **Figure 21 -** Schedule K: Classification of Transportation Facilities Downtown). Part 11, Policy 3.3.2(r) states that:

> *The proponent of residential development and other sensitive land uses within 50 m of a provincial freeway, highway right-of-way, or major arterial, multi-purpose arterial or minor arterial road, or a greater distance at the discretion of the City or the Region of Halton, will be required to undertake noise studies by a qualified acoustical consultant in accordance with Provincial policy to the satisfaction of the City and any other authorized review authority and shall undertake appropriate measures to mitigate any adverse effects from the noise identified.*

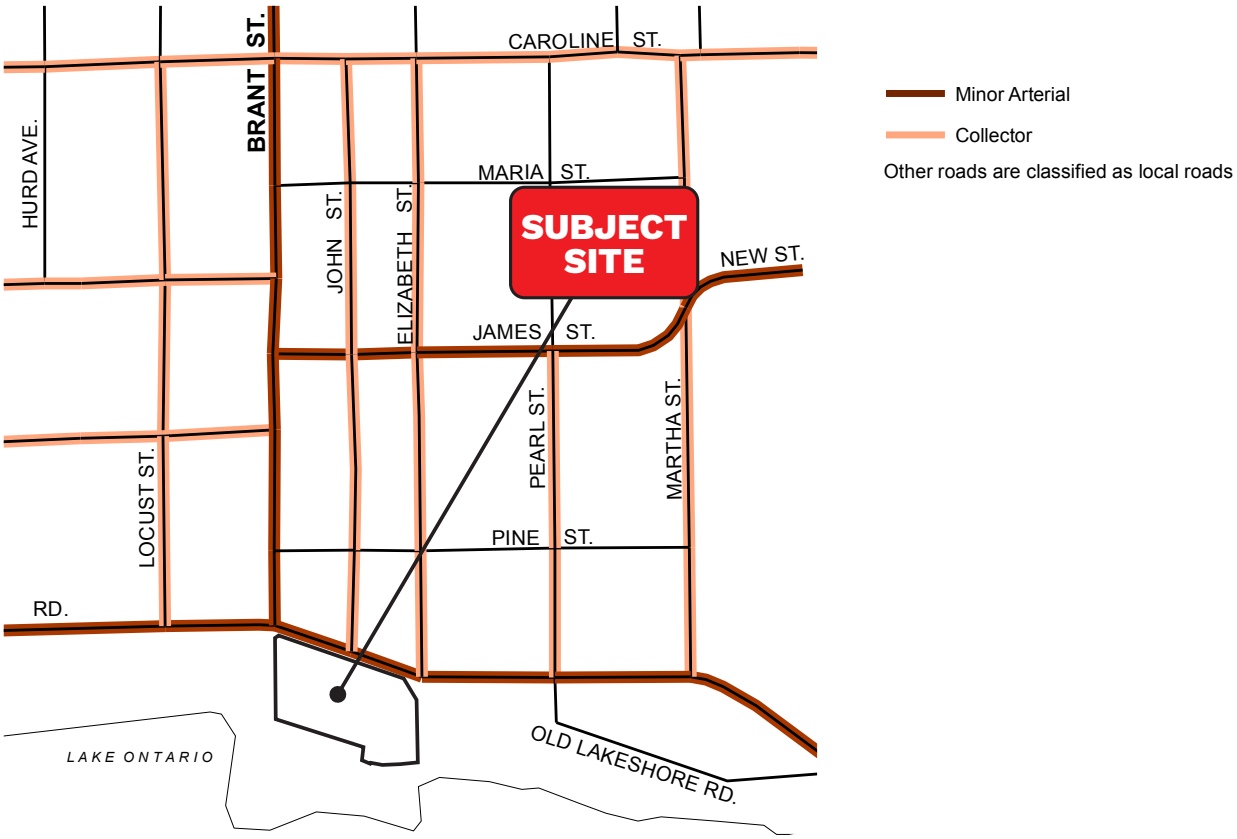


Figure 21 - Schedule K: Classification of Transportation Facilities Downtown

In this regard, dBA Acoustical Consultants Inc. have been retained to prepare a Noise and Vibration Feasibility Study in keeping with this policy. A summary of the results of their study is provided below in Section 5.9 of this report.

Part II, Policy 3.3.2(b) of the OP speaks to road extensions and widenings. Policy 3.3.2(c) further establishes that existing roads shall be widened equally on both sides of the road, where feasible. Policy 3.2 provides the general transportation policies, which includes the objective to encourage alternative travel by creating an urban environment that encourages walking, cycling, and transit use and increases opportunities to live close to work and satisfy day-to-day needs locally without relying on the automobile. Policy 3.2.2 j) states that parking ratios and/or standards and/or on-street parking ratios and/or standards may be permitted subject to evaluation and appropriateness through development applications or other City initiatives.

Section 6.0 of Part II provides the design policies and policy 6.1 provides the design principle for the City, which is that the tangible elements of the urban form (built form environment and open space) shall be designed in an efficient, attractive, and compact manner to enhance the well-being of the residents of the community and to reflect the vision of the OP. Policy 6.2 of Part II outlines the design objectives, which include:

- To ensure that the design of the built environment strengthens and enhances the character of existing distinctive locations and neighbourhoods, and that proposals for intensification and infill within existing neighbourhoods are designed to be compatible and sympathetic to existing neighbourhood character.
- To achieve a high quality of design within the public realm.
- To ensure consistency, compatibility and quality in the built environment while allowing for a diverse design expression.
- To ensure that the principles of sustainable development are considered in the design of the built environment.

Policy 6.3 e) of Part II states that preference will be given to community design containing more compact forms of development that support higher densities, are pedestrian oriented and encourage increased use of public transit. Policy 6.4 e) states that improvements to existing streetscapes shall be encouraged as part of any reconstruction. Policy 6.5 of Part II, provides the design guidelines policies, which include:

- The density, form, bulk, height, setbacks, spacing and materials of development are to be compatible with its surrounding area.
- The compatibility of adjacent residential and non-residential development shall be encouraged through site design and buffering measures, including landscape screening and fencing.
- The design of all buildings must recognize pedestrian scale, safety and the perception of safety and access and the preservation of public vistas and views.
- The creation of a continuous and harmonious streetscape environment shall be encouraged with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of buildings.
- All developments shall be designed having regard for public transit accessibility and access and parking for the physically challenged.
- The location, amount, position, and design of parking areas shall be reviewed to minimize their potential to erode the qualities of the public streetscape, and to lessen their visual impact.
- The streetscape appearance of major, multi-purpose and minor arterial roads and collector streets shall be enhanced by encouraging buildings to present their main building facades to these roads or to enhance their treatment to avoid the appearance of blank buildings at service entrances.
- Building setbacks from the street are to be minimized along pedestrian and transit-oriented streets.
- The functional and visual impact of site servicing, loading, air conditioning and ventilation equipment and waste handling facilities shall be minimized.
- All development shall be designed having regard for Sustainable Development considerations.

Mixed-Use Activity Areas Policy

Part III of the OP sets out the land uses and related policies for specific land use designations and the settlement pattern in the City of Burlington.

As per Schedule A – Settlement Pattern in the OP (see **Figure 22** - OP Schedule A: Settlement Pattern), the subject site is located within the urban planning area boundary and is designated *Mixed-Use Activity Areas*. Part III, Section 5.0 of the Official Plan states that lands identified as Mixed-Use Activity Areas will provide locations where employment, shopping and residential uses will be developed in a compact urban form at higher development densities and will be pedestrian-oriented and highly accessible by public transit.

One of the main designations that applies to the *Mixed-Use Activity Areas* and the subject site is *Mixed-Use Centre*, as shown on Schedule B – Urban Planning Area Land Use Plan (see **Figure 23**).In addition to being designated as *Mixed-Use Centre*, Schedule B also identifies the subject lands within the City's current Downtown Urban Growth Centre boundary.

Policy 5.1(a) of the OP states that Mixed-Use Activity Areas provide alternatives to low density, suburban development and encourage the efficient use of physical resources and municipal services while Policy 5.1(c) speaks to demand and states that Mixed-use Activity Areas address the demand for higher intensity employment, shopping, and residential areas within the City. Policy 5.2.1 provides general objectives that are associated with Mixed-use Activity Areas that include encouraging comprehensively planned mixed-use employment, shopping, and residential areas that provide integration of uses, and ensuring Mixed-use Activity Areas are developed in a compact urban form, pedestrian-oriented, and highly accessible by public transit that fosters community interaction. Section 5.2.2 further provides policies related to Mixed-use Activity Areas, including amongst others, that lands designated Mixed-use Centre on Schedule B of this Plan shall be subject to policies contained in Part III, Section 5.4 to 5.6; the design and development of Mixed-Use Activity Areas shall promote these areas as focal points for community activities that are characterized by

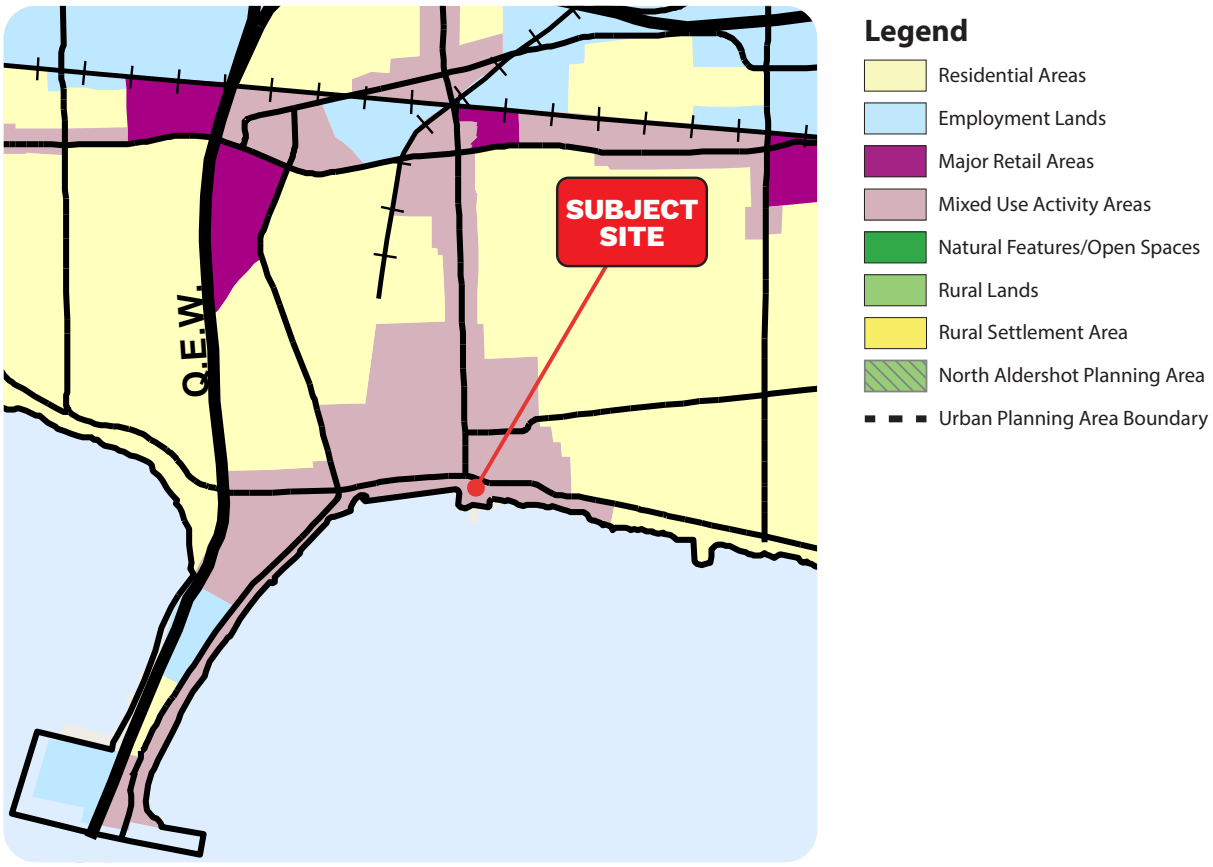


Figure 22 - Schedule A: Settlement Pattern

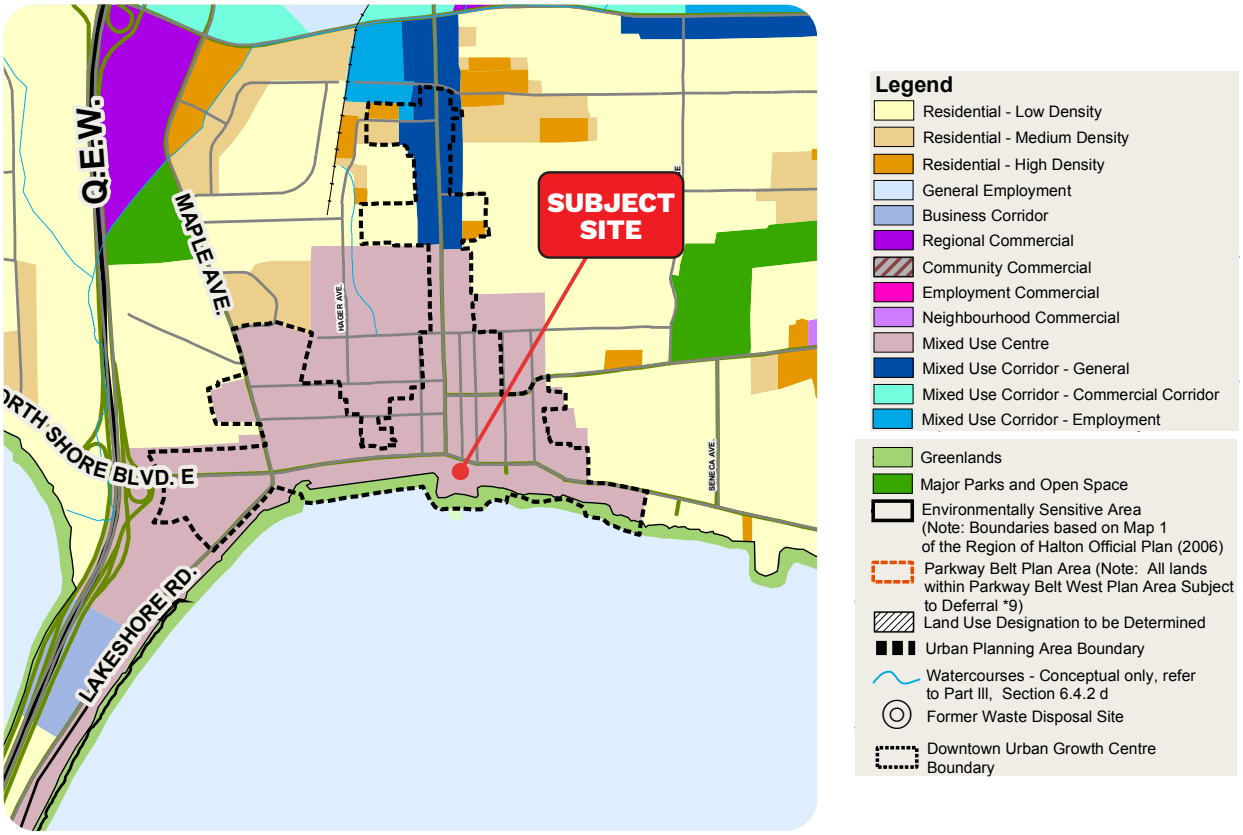


Figure 23 - Schedule B – Urban Planning Area Land Use Plan

a compact form of development, pedestrian-oriented, greater accessibility to public transit, and higher intensity development; be areas that are subject to a high quality of urban design; and to allow the City to consider the use of reduced parking standards to encourage greater reliance on non-automobile forms of transportation.

Mixed-Use Centre Policies

The site is designated as a *Downtown Mixed-Use Centre* on Schedule B – Comprehensive Land Use Plan – Urban Planning Area (see **Figure 23**) and *Wellington Square Mixed-Use Precinct* as per Schedule E – Downtown Mixed-Use Centre Land Use Plan (see **Figure 24** - Schedule E Downtown Mixed-Use Centre Land Use Plan).

Section 5.4 of the OP provides the policy framework relating to lands designated Mixed-Use Centre. Policy 5.4.1 states the objectives which relate to the Mixed-Use Centre designation. These objectives include, amongst others, to provide locations at inter-municipal transit stations and the Downtown that will serve as areas for mixed-use developments consisting of medium and high density residential, retail, service commercial, office, entertainment, community facilities, and open space uses (5.4.1(a)); to encourage higher intensity, transit-supportive, and pedestrian-oriented development within Mixed-Use Centres while retaining compatibility with nearby land uses (5.4.1(b)); and to permit mixed-use developments on individual sites where residential, retail, office and other uses are located (5.4.1(c)).

Policy 5.4.2(a) provides the uses which may be permitted in Mixed-Use Centres, which include, a wide range of retail, commercial and personal service uses and medium and high-density residential uses. Policy 5.4.2(b) also provides that Zoning By-law regulations affecting Mixed-use Centres shall be based on the general policies for Mixed-use Centres contained in Part III Section 5.4 and the specific policies for individual Mixed-Use Centres, prepared as part of the secondary planning study for each Mixed-Use Centre as per Part III Sections 5.5 and 5.6.

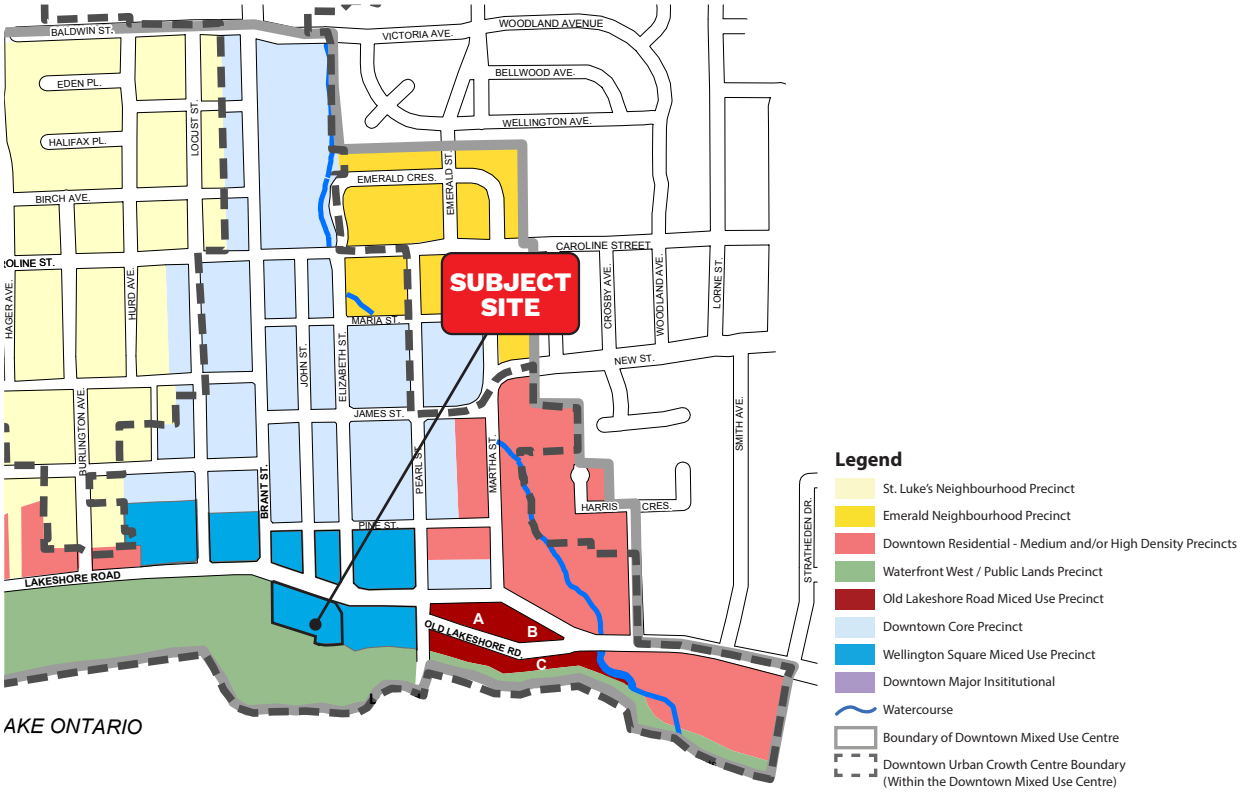


Figure 24 - Schedules E - Land Use Downtown Mixed Use Centre

Further policies include, among others, a range of development intensities shall be permitted (5.4.2(c)); a range of building heights shall be permitted (5.4.2(d)); open space and parkland shall be provided in Mixed-use Centres (5.4.2(e)); and the zoning of individual sites may not allow for the full range of permitted or the full extent of the development intensity at every location based on site specific factors (5.4.2(f)). Policy 5.4.2(g) provides site plan considerations that must be considered in reviewing proposals for new and/or expanding Mixed-use Centre uses which include:

i. *buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and interest, and in close proximity to the street and transit services, wherever feasible;*
ii. *the site plan for individual sites includes features to integrate the new development with surrounding uses;*
iii. *the site plan promotes safe, convenient, and barrier-free pedestrian travel within the site, between the site and adjacent uses, and to and from transit stops;*
iv. *off-street parking areas, loading areas and service areas shall be screened and landscaped;*
v. *the site plan promotes public safety;*
vi. *the site plan promotes convenient access to public transit services;*
vii. *off-street parking areas shall be located in the side and rear yards.*
viii. *off-street parking shall be located away from adjacent residential uses; and*
ix. *loading areas and service areas are located to avoid conflict between pedestrian and vehicular traffic, and away from adjacent residential areas.*

Policy 5.4.2(h) provides that the design and development of Mixed-Use Centres shall encourage the use of public transit, pedestrian and bicycle travel as an alternative to the car and shall maximize personal safety by incorporating the following features: buildings should be located with their front face to the street, to provide a sense of human comfort and pedestrian scale and safe and convenient access shall be provided for pedestrians between buildings and transit stops, parking areas, and other building facilities.

Additionally, Policy 5.4.2(j) says that retail, service commercial, and other pedestrian-oriented uses shall be encouraged in designations in addition to Downtown Mixed-Use Centres. Furthermore, Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-street parking may be permitted on Mixed-use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel.

Housing Intensification Policies

Policy 5.4.2(k) states that proposals for residential intensification shall be evaluated on the basis of the housing intensification objectives and policies of Part III, Section 2.5.

Policy 2.5.1(a) encourages residential intensification as a means of increasing the amount of available housing stock, including infill and re-development provided that the housing is compatible with the scale, urban design, and community features of the neighbourhood.

Policy 2.5.2(a) further provides criteria that must be considered when evaluating proposals for housing intensification within established neighbourhoods. These criteria include,

i. *adequate municipal services to accommodate the increased demands are provided, including such services as water, wastewater and storm sewers, school accommodation and parkland;*
ii. *off-street parking is adequate;*

iii. *the capacity of the municipal transportation system can accommodate any increased traffic flows, and the orientation of ingress and egress and potential increased traffic volumes to multi-purpose, minor and major arterial roads, and collector streets rather than local residential streets;*

iv. *the proposal is in proximity to existing or future transit facilities;*

v. *compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided;*

vi. *effects on existing vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary to assist in maintaining neighbourhood character;*

vii. *significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level;*

viii. *accessibility exists to community services and other neighbourhood conveniences such as community centres, neighbourhood shopping centres and health care;*

ix. *capability exists to provide adequate buffering and other measures to minimize any identified impacts;*

x. *where intensification potential exists on more than one adjacent property, any re-development proposals on an individual property shall demonstrate that future re-development on adjacent properties will not be compromised, and this may require the submission of a tertiary plan, where appropriate;*

xi. *natural and cultural heritage features and areas of natural hazard are protected;*

xii. *where applicable, there is consideration of the policies of Part II, Subsection 2.11.3, g) and m); and*

xiii. *proposals for non-ground-oriented housing intensification shall be permitted only at the periphery of existing residential neighbourhoods on properties abutting, and having direct vehicular access to, major arterial, minor arterial, or multi-purpose arterial roads and only provided that the built form, scale, and profile of development is well integrated with the existing neighbourhood so that a transition between existing and proposed residential buildings is provided.*

Further policies related to housing intensification include, among others, that Council may adopt guidelines for maximum building heights to be used in the consideration of applications for residential intensification, in order to ensure compatibility of proposed building heights with the heights of existing buildings (2.5.2(d)). Section 2.4.5 speaks to infill development, specifically, Policy 2.5.4(b) in which new infill development shall be compatible with the surrounding development in terms of height, scale, sitting, setbacks, and coverage.

Downtown Mixed-Use Centre Policy

Section 5.5.1 a) of the Plan provides that in keeping with the Growth Plan for the Greater Golden Horseshoe, 2006 (now updated 2019, as amended version), the boundary for the Downtown Burlington Urban Growth Centre is shown on Schedule B – Comprehensive Land Use Plan – Urban Planning Area and on Schedule E, Downtown Mixed-use Centre. The two principles of the Downtown Burlington Growth Centre are as follows:

i. *to accommodate a significant share of population and employment growth within the City; and*

ii. *to accommodate high density employment.*

Additional principles include, among others, as a Mixed-Use Centre the Downtown shall take advantage of the unique qualities that set it apart from all other areas of the City, including the waterfront location and related activities, streetscapes, cultural activities, and pedestrian orientation (5.5.1.b); that the Downtown is a lively, vibrant "people place" with a wide variety of employment, shopping, leisure, residential, and tourism opportunities (5.5.1.c); that the Downtown shall be the City's centre for public gatherings, festive and civic occasions, and social interaction (5.5.1.d); that specialty retail, community retail, and government and institutional, service and other business office development, as well as residential uses should be located in the Downtown (5.5.1.e); that the Downtown shall be re-developed through the infilling of existing surface parking lots, the rehabilitation of existing buildings and the intensification of under-utilized lands and buildings, in keeping with its role as Provincial Growth Centre, ensuring that such development shall encourage transit use and that an adequate supply of parking is provided (5.5.1.h); the protection and enhancement of public access to the waterfront and waterfront facilities will be a primary focus, which must be recognized in the consideration of development or re-development of properties and reasonable protection of views to the lake from public areas such as streets and trails shall also be provided in the consideration of development or re-development proposals (5.5.1.j).

Policy 5.5.2 provides objectives for the Downtown Mixed-use Centre which include, amongst others, to establish the Downtown as a Mixed-use Centre composed of retail, service, office, public and residential; to establish minimum density targets for residents and jobs in accordance with the Growth Plan; to establish a unique role for the Downtown so that it provides for certain uses such as offices and residential; to create a compact Downtown city core with a mix of residential, commercial, and other uses as an alternative to the car oriented shopping plazas, malls, and business corridors; to increase the resident population and provide a variety of housing types mainly at medium and high densities that will strengthen the live/work relationship, ensure Downtown is used after business hours, and create a local market for convenience and service goods; to provide commercial activity that serves the general needs of Downtown residents; to create a continuous, harmonious, safe and attractive environment through streetscapes, building façade and design of new buildings; to ensure that the density, form, height, and spacing is compatible with the surrounding area, to provide a balanced approach to transportation by increasing transit use and the pedestrian orientation; to create a unique waterfront area to accommodate recreational, cultural and leisure pursuits, and to create a strong link between the Downtown and the waterfront, so that the waterfront becomes an integral part of the Downtown.

Policy 5.5.3(a) provides that development shall be permitted in accordance with the land use designations of Schedule E – Land Use Plan – Downtown Mixed-Use Centre, of which the subject site is designated 'Wellington Square Mixed-use Precinct". Policy 5.5.3(b) states that within the Urban Growth Centre Boundary, as shown in Schedule B, the target is established of a minimum gross density of 200 residents and jobs per hectare. Higher densities and intensities will be encouraged within certain precincts of the Downtown Mixed-Use Centre and the provision of community benefits may be considered for developments proposing residential and business intensification as per Policy 5.5.3(c). Policy 5.5.3(h) further speaks to the integration of uses and that retail, offices, hotel, institutional and entertainment uses shall be integrated with residential uses.

Wellington Square Mixed-Use Precinct

The subject site is designated as Wellington Square Mixed-Use Precinct. Part III, Section 5.5.9 of the OP provides policy direction with respect to lands designated as Wellington Square Mixed-Use Precinct. The City has established two objectives for the Wellington Square Mixed-Use Precinct, which focus on high density and a high standard of design, and are as follows:

a. *To designate a limited, concentrated area within the Downtown for taller, high-density development in order to help meet Provincial Growth objectives and to support greater transit use, but to prevent unlimited spread of higher density throughout the Downtown.*

b. *To require a high standard of design for new buildings in order to provide a sense of place, compatibility with existing development and a sense of pedestrian scale and comfort.*

The Wellington Square Mixed-Use Precinct permits a wide variety of uses including commercial uses (local service, retail, office, and administration), high-density residential apartment building, cultural uses, recreation, and hospitality uses, entertainment uses, and community facilities.

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The proposed development is a mix of commercial and high-density residential uses, all of which are permitted in the Wellington Square Mixed-Use Precinct. The development proposes a total of 557 new residential units, resulting in a residential density of 730.4 units per hectare, and a Floor Area Ratio ("FAR") of 7.76 : 1.

Policy 5.5.9.2(b) permits a maximum residential density of 51 units per net hectare and a maximum height of 8 storeys (29 metres) with terracing required above the second floor. The same policy also goes on to provide that, taller buildings up to 14 storeys may be permitted where they can demonstrate compatibility with surrounding land uses and provide a sense of pedestrian scale through various built form mechanisms (e.g. terracing). Policy 5.5.9.2(c) provides a maximum FAR for buildings in the Wellington Square Mixed-Use Precinct and limits the ratio to 5.0 : 1. However, there is also some exception to for higher FARs so long as land use compatibility and good pedestrian scale can be achieved through design.

Due to Policies 5.5.9.2(b) in Part III of the OP, an Official Plan Amendment is required in order to create a new site-specific policy to permit the proposed heights and densities.

Furthermore Policies 5.5.9.2(d) through (g) provide urban design related direction for developments within the Wellington Square Mixed-Use Precinct that focus on at-grade commercial uses, setbacks, parking, and views to Lake Ontario. Specifically,

- *Retail or service commercial uses are required continuously at grade along public streets in residential or office buildings and in parking garages.*
- *Buildings shall be required to be constructed to the street line with no surface parking permitted, except for loading and emergency vehicles.*
- *On-site parking is not required for non-residential uses.*
- *In order to maintain as many public view corridors to the lake as possible, properties on the south side of Lakeshore Road shall maintain a certain amount of their road frontage to remain unoccupied by buildings. The exact amount and location of these view corridors shall be determined through the preparation of detailed Design Guidelines.*

In addition, Policy 5.5.9.2(j) states that, "applications for increased building heights for mid- to high-rise buildings in the Wellington Square Mixed-Use Precinct may be required to provide an angular plane study, identifying visual, sun shadowing and wind impacts, and demonstrating how such impacts can be mitigated to acceptable levels".

In this regard, NEUF Architects have been retained to prepare a Shadow Impact Study in order to demonstrate how visual and sun shadowing impacts have been mitigated to acceptable levels. A detailed exploration of these visual and shadow impacts is provided below in Section 5.5 of this report. In addition, angular plane studies, in our opinion are intended to demonstrate compatibility in height and related transitions between mid- to high-rise buildings and neighbouring low-rise residential neighbourhoods. As per Schedule E – Downtown Mixed-Use Centre Land Use Plan, the nearest established neighbourhood precincts are the St. Luke's Neighbourhood Precinct, and the Emerald Neighbourhood Precinct, which at their closest points, are both far enough away that an angular plane study is not applicable given that these neighbourhoods areas are well beyond a 45-degree angular plane from the subject site.

There is a special policy that currently applies to the subject site. Policy 5.5.9.2(l) identified as "Foot of Brant Street", has been adopted in reference to the subject site, which states:

> *Notwithstanding the above policies, the lands along the Lake Ontario shoreline, at the foot of Brant Street, (known as the Travelodge lands), represent a significant opportunity for mixed-use development linking the Downtown with the waterfront. Any further development on these lands shall provide a high quality of urban design reflecting the landmark nature of this site and shall be contingent upon the completion of a master plan to the satisfaction of City Council. This master plan shall address the integration of these lands with the publicly owned lands to the south and west and the private development to the east and shall address other matters such as preservation of lake views and enhancements to the public realm.*

In this regard, the City of Burlington, with considerable joint effort by the applicant, have been undertaking the Burlington Waterfront Hotel Planning Study. A discussion on the details and status of that study are provided below in Section 4.10 of this report. Furthermore, since the Burlington Waterfront Hotel Planning Study is till classified as ongoing by City staff, an amendment to Policy 5.5.9.2(l) is also required in order to accommodate the proposed development.

Urban Design

Section 5.5.12 speaks to the Urban Design policy framework related to the subject site. Relevant policy includes, among others, that the City shall prepare and adopt Urban Design Guidelines for the Downtown which shall be specific to each neighbourhood and precinct, reflecting the vision and characteristics of that neighbourhood and precinct (5.5.12.a); the continuity of grade-related activity areas both inside and outside of buildings shall be maintained (5.5.12.c); buildings and public areas shall be designed to consider pedestrian scale, comfort, safety and access (5.5.12.d); the design of new buildings shall ensure views to the lake are preserved and orientation of the building is toward the Lake where feasible (5.5.12.e); site-specific urban design studies may be required as part of a development proposal to investigate and recommend a design for compatibility with surrounding uses, micro-climate effects, pedestrian safety, and issues of human scale and views (5.5.12.f); the decorative use of water shall be encouraged throughout the Downtown in order to strengthen the link between the waterfront and the Downtown (5.5.12.g); outdoor public areas shall be designed to complement the interior uses of local buildings (5.5.12.m); all development along pedestrian walkways shall encourage pedestrian activity including designing attractive store fronts, open space and parking lots(5.5.12.n); and, the construction of new buildings compatible with cultural heritage resources shall be encouraged in the Downtown to blend new development with existing streetscapes and add to the area's character.

Transportation and Parking Policies

Part III, Section 5.5.14, in particular, Policy (c) provides that the Downtown will continue to be served by high levels of transit, linking it to all other parts of the Urban Planning Area while Policy (d) provides that streets such as Lakeshore Road shall become more pedestrian-oriented through the use of traffic calming and other measures. Section 5.5.14, Policy (e) provides that all development shall be required to provide parking in accordance with the Zoning Bylaw and that parking may be permitted on a reduced basis in combination with cash-in-lieu of parking and/or the establishment of a Travel Demand Management Plan in consideration of improving the transit modal split as well as other transportation alternatives to the car.

Under Part VII – Schedules and Tables of the Official Plan, and in particular, Table 2 – Road Allowance Widths, Lakeshore Road is required to have a 30-metre road allowance width across the entire length.

Transit Policies

Part III, Section 5.5.15 speaks to transit policies in the Downtown and in particular, Policy (a) provides that the use of transit shall be promoted in the Downtown to reduce traffic and parking demands and traffic congestion, among other things, and by introducing appropriate "transit priority" and Travel Demand Management (TDM) measures. Policy (c) provides that development applications in the Downtown shall be reviewed to ensure that proposed land development supports and encourages the efficient and effective use of transit services.

The in-force City of Burlington Official Plan provides that in keeping with the Growth Plan, lands identified as 'Downtown Mixed-Use Centre' within the Downtown Burlington Urban Growth Centre shall accommodate a significant share of population and employment growth within the City and shall accommodate high density employment.

Further, lands designated 'Wellington Square Mixed-Use Precinct' have established a primary objective in Part III of the in-force Official Plan to designate a limited, concentrated area within the Downtown for taller, high-density development in order to help meet Provincial Growth objectives and to support greater transit use. This is not supported in the Wellington Square Mixed-Use Precinct policies which establishes height maximums of up to 8 storeys (29 metres) with bonusing up to 14 storeys and a density of 5.0:1 FAR. In our opinion, the in-force Official Plan introduces arbitrary heights and densities that do not align with the current Provincial and Regional policy directions that support intensification areas (i.e. Urban Growth Centres, Major Transit Station Areas, and mobility hubs) where the optimization of land use, infrastructure, and public service facilities, including public transit, has been identified as a focus for investment.

In our opinion, the proposed development more closely reflects the intent of the Provincial and regional policy documents by introducing appropriate heights and densities in a compact built form, within 500 metres of a major transit station area and within a municipally recognized mobility hub, and within an Urban Growth Centre which establishes a minimum intensification target of 200 residents and jobs combined per hectare.

It is important to note that the City recognizes that the existing Official Plan does not fully align with provincial and regional policies, particularly as it relates to where growth should be focused and proper recognition of strategic growth areas such as Urban Growth Centres and MTSAs, and mobility hubs, as determined by the applicable Provincial policy plans. For these reasons (among others) the City-initiated a new City-adopted Official Plan process, which has been approved by the Region of Halton but has been appeal and is not yet in force.

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposed development, conforms with City of Burlington's Official Plan and specifically the policies that: support the efficient use of land; development in the urban areas, the Downtown Mixed-Use Centre, and Urban Growth Centre; the provision of a range and mix of housing types to accommodate Provincial and Regional growth targets; the provision of an appropriate range and balance of employment uses including commercial, office, and retail uses to meet long-term needs; and the adoption of good urban design.

4.7 Interim Control By-law

On March 5th, 2019, Council for the City of Burlington passed By-law 10-2019 creating an interim control by-law (the "ICBL") that restricts the development within a study area, of generally the City's Downtown Urban Growth Centre boundary and lands in proximity to the Burlington GO station, for a period of one year with a maximum extension of a second year. The subject site is located within the ICBL study area (see **Figure 25** - Interim Control By-law No. 10-2019 Study Area).

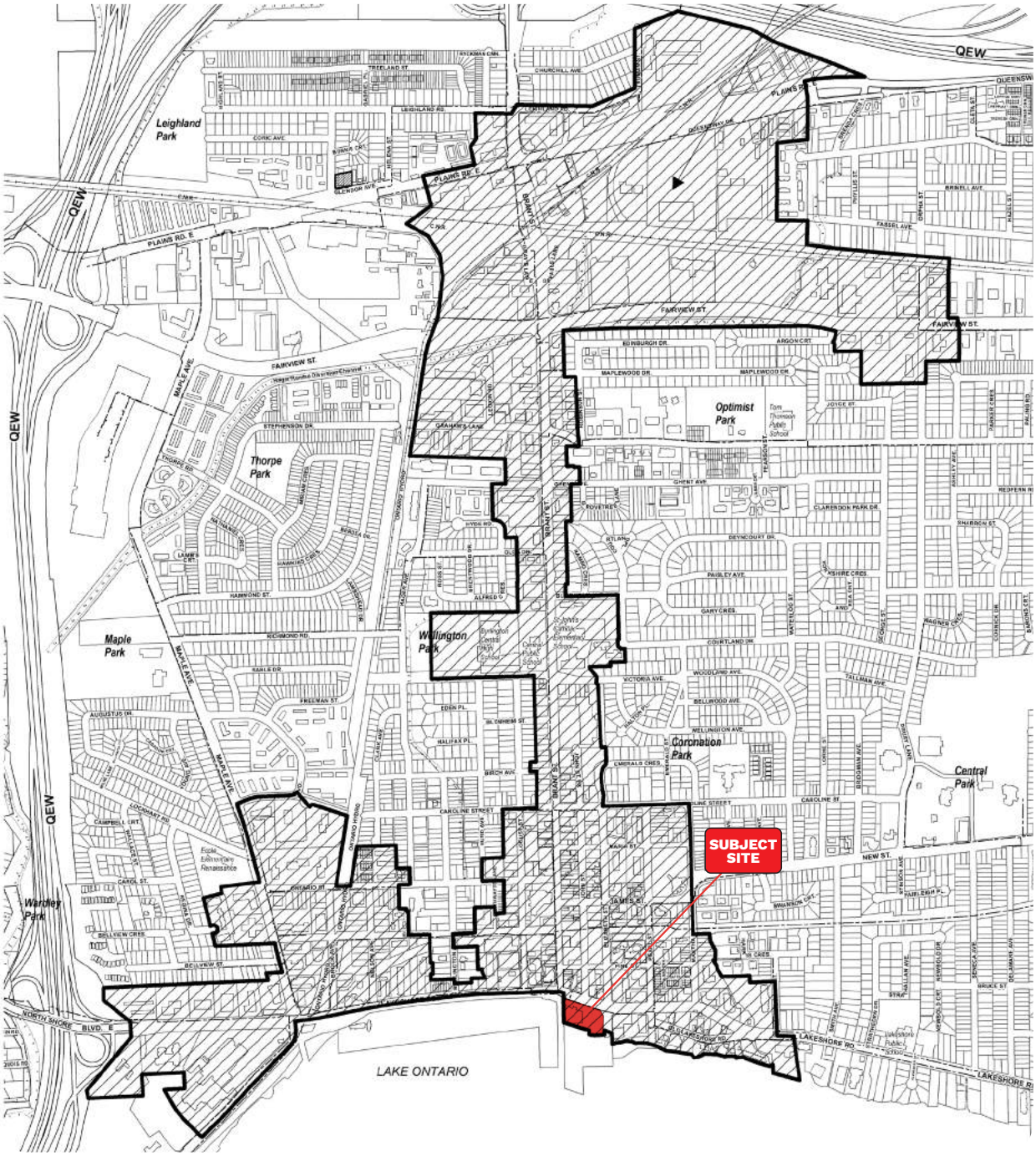


Figure 25 - Interim Control By-law No. 10-2019 Study Area

During the one-year "freeze" on development within the study area, the City has noted that they are to complete a land-use study for the following:

- Assess the role and function of the Downtown bus terminal and the Burlington GO station on Fairview Street as Major Transit Station Areas
- Examine the planning structure, land use mix and intensity for the lands identified in the study area
- Update the Official Plan and Zoning bylaw regulations as needed for the lands identified in the study area.

On April 25, 2019, Council for the City of Burlington passed By-law 21-2019, which amends the ICBL in order to exempt certain sites which are in the site plan process from the restrictions of the ICBL. The subject site falls within the ICBL boundaries and is not one of the identified exempted properties, and as such, the subject site is included in the ICBL.

On January 14th, 2020, a Statutory Public Meeting was held for members of the public to ask questions and provide comments on proposed Official Plan Amendments to the city's in-force and-effect OP, and Zoning By-law Amendments that are a result of the findings of the ICBL Land

Use Study. The purpose of this meeting was to provide the public an opportunity to provide comments to City Council and for Council to consider the feedback prior to making a decision on the proposed amendments.

At the January 30th, 2020, Special Council Meeting, Council approved the revised recommendations from the findings of the ICBL Land Use Study. The ICBL Land Use Study included all submissions provided at and following the January 14th statutory public meeting. The revised recommendations were based on the land-use study that was undertaken as a result of the ICBL and included amendments to Burlington's current in-force-and-effect Official Plan and Zoning Bylaw. The City has since received appeals to the Local Planning Appeal Tribunal (LPAT) for both Official Plan Amendment 119 (the "OPA 119") and Zoning By-law Amendment 2020.418 (the "By-law 2020.418").

As a result, the ICBL did not expire on March 5th, 2020, and will remain in effect until the LPAT has issued a final decision on each appeal of Zoning By-law Amendment 2020.418.

4.8 Official Plan Amendment 119

OPA 119, which is under appeal, proposes to reduce the size of the Downtown Urban Growth Centre Boundary (the "UGC") and establish a new Major Transit Station Area (the "MTSA") Special Planning Area for significant portions of the Downtown. In this regard, the subject site continues to fall within the UGC and is within the area identified as part of the proposed MTSA Planning Area. Specifically, OPA 119 adds a new policy framework regarding MTSA's, which includes the following:

- MTSA's are an important component of the City's Urban Planning Area, intended to serve as city-wide destinations and focal points for the provision of transit, exhibiting a wide variety of land uses, building types, and densities that will be oriented to support and facilitate transit and active transportation.
- MTSA's are in key areas served by the regional and local transit networks.
- MTSAs are focal points for higher intensity and mixed-use, transit-supportive development that will accommodate a significant share of the city's future population and employment growth.
- It is anticipated that the majority of growth within the City's four MTSAs will occur in the three MTSAs located along higher order transit routes and with planned frequent transit service by way of Regional Express Rail.
- The final delineation of the MTSAs boundaries and the identification of minimum density targets, will be established by the Region of Halton through the Municipal Comprehensive Review and will be implemented through a future Official Plan Amendment.

- A new Section 7.0 in Part III that states the following:
  - It distinguished between MTSA's on Regional Express Rail lines and not on them, specifically identifying the Downtown MTSA as not being located on a priority transit corridor and not supported by higher order transit or frequent transit within a dedicated right-of-way. In this regard, it describes the Downtown MTSA as "anchored by the Downtown Burlington Bus Depot, which functions as an intercity bus transfer point" and "it currently does not function as a major bus depot" and "given the limited function of the Downtown Burlington Bus Depot, the MTSA is not expected to be a significant driver for intensification beyond that which is required by the Downtown UGC".
  - Policies 7.1.1 and 7.1.2 state that secondary plans and/or major planning studies will provide long term development policies for the MTSAs and will implement mixed-use transit-supportive development. Policy 7.1.2 b) states that the policies in 7.2 shall apply to development applications submitted in advance of the completion of secondary plans or major planning studies.
  - Policy 7.2.1 b) provides the objectives of the MTSA Special Planning Area, which include:
    - To direct appropriate scale and intensity of transit-supportive development at each MTSA consistent with the OP and the Province's Transit Supportive Guidelines and Mobility Hub Guidelines.
    - To encourage transit supportive, pedestrian oriented and cycle friendly development in a compact built form that is compatible with the surround area.
    - To ensure there is appropriate transition in scale, intensity, height, massing and spacing of development, including appropriate transitions between various land uses and built forms.
    - To ensure development establishes a high-quality public realm.
    - To support the retention and expansion of existing employment functions and encourage new employment functions.
    - To require a mix of uses within development and throughout the MTSA Special Planning Area that will strengthen the live/work/shop relationship and the creation of complete communities.
    - To promote the accommodation of a diverse range and mix of household sizes, incomes, and tenure.
    - To plan for and provide public service facilities that support future population and job growth.
  - Policy 7.2.2 b) states that development applications preceding the completion of a secondary plan or major planning study shall have regard for the Province's Mobility Hubs and Transit-Supportive Guidelines and shall implement Regional and Provincial major transit station area policies.
  - Policies 7.2.2 d), e) and f) state that the MTSA's shall be promoted as multi-functional activity centres, development shall contain a mix of uses and transit supportive development, and MTSAs will be priority locations for land assembly, infrastructure and public service facilities improvements, new public service facilities, and the preparation of comprehensive traffic, TDM, and parking studies/strategies.
  - Policy 7.2.2 g) states that multi-unit residential development should incorporate a mix of unit sizes and types to accommodate a diverse range of household sizes and incomes.
  - Policies 7.2.2 o) and p) state that the growth targets are intended to apply at a city-wide level and cannot be applied on a site-specific basis as rationale for approving or refusing development. Similarly, the concept of optimization shall be applied to development patterns over the entirety of the MTSAs.

- Policy 7.2.2 q) includes the following development criteria that is to be satisfied when evaluating all development applications within the MTSA Special Planning Area, which includes:
  - the development shall be compatible with adjacent land uses.
  - the development achieves built form compatibility.
  - the development shall be consistent with the vision and intent of the MTSA typology, policies, and vision.
  - the development achieves a high quality of urban design.
  - the development can be supported by available infrastructure and public service facilities.
  - the development preserves and protects trees.
  - The incorporation of TDM measures.
  - the development shall consider opportunities for the sharing of parking between compatible uses where feasible.
  - the development provides stormwater management and addresses natural hazards.
  - the development considers the relationship to existing or planned transit facilities.
  - the development complements and connects with the public realm.
  - the development shall consider all other relevant principles, objectives, and policies of this Plan.
- Policy 7.2.2 r) states that an OP amendment proposing residential uses in the MTSA Special Planning Area shall provide community planning objectives including: affordable rental housing, residential units provided in partnership with a municipal housing provider or charitable not for profit organization, and the co-location of community space or public service facilities and additional sustainable building design measures that contribute significantly toward the goals of the City's Strategic Plan and/or climate change and energy plans.
- Section 7.2.4 provides the Downtown MTSA policies. Policy 7.2.4.2 a) states that the City shall undertake a major planning study to implement mixed-use transit-supportive development over the long term, while ensuring compatibility with surrounding areas. Policy 7.2.4.2b) states that the UGC target shall not be applied on a site-specific basis and only to the entire geography of the UGC. Policy 7.2.4.2 c) states that the residents and jobs associated with development shall contribute towards meeting the minimum density target of the UGC.

It also provides the following new definition for MTSA:

> *"Major Transit Station Area – The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate five hundred (500) m to eight hundred (800) m radius of a transit station, representing about a ten (10)-minute walk.*

In keeping with the policies of the Growth Plan, the final delineation of the Major Transit Station Area boundaries and the identification of minimum density targets, will be established by the Region of Halton through the Municipal Comprehensive Review and will be implemented through a future Official Plan Amendment.

Transit Supportive Development

OPA 119 also adds policies related to transit supportive development, which include:

- The objectives to recognize the relationship between land use and transit and promote the elements of transit-supportive development, to facilitate transit supportive development, while ensuring compatibility with the surrounding area, to encourage the use of public transit and active transportation modes, and to manage travel demand.
- Policy 3.11.2a) states that transit supportive development shall consist of compact, mixed-use development that has a high level of employment and residential densities to support transit service.

- Policies 3.11.2 b) - e) states that transit supportive development should include street design measures that increase transit accessibility and a human scale-built form at grade, where feasible, and shall include safe and accessible active transportation infrastructure and connections, as well as achieve a high quality of urban design.

It also provides the following new definition for Transit Supportive Development:

> *"Transit-Supportive or Transit-Supportive Land Use - Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Transit-supportive development will be consistent with Ontario's Transit Supportive Guidelines."*

Policy 6.3 e) states that "New community design should contain compact built forms of development that support higher densities, are pedestrian, cycling and transit oriented, particularly along transit and transportation corridors, support the achievement of complete communities with high-quality public realm elements and encourage increased use of public transit".

4.9 New City of Burlington Official Plan (Under Appeal)

Consistent with the Planning Act's requirement to review the Official Plan every five years, the City of Burlington began their review of the OP in 2011. Concurrent with this Official Plan Review, the City of Burlington prepared a Strategic Plan in 2016, which was adopted by Council and brought forward new priorities and significant changes to Burlington's rural and urban areas.

Through this process the City determined that the OP did not align with its new policy directions and have therefore prepared a new OP which will reflect and guide its civic priorities to 2031 as it transitions from a suburban to an urban community.

On April 26, 2018, Burlington City Council adopted a new Official Plan (the "New OP"), which was subject to review and approval by Halton Region. On December 4, 2018, the City of Burlington received notice from Halton Region regarding the New OP advising that it does not conform with the Regional Official Plan in a number of respects related to policies and mapping in the areas of:

- proposed employment land conversions and permitted uses within the employment areas and lands;
- the identification of and permitted uses within agricultural lands;
- the identification of and permitted uses within the Natural Heritage System; and
- transportation matters, including road classifications.

On November 30, 2020, Halton Region approved the new Burlington Official Plan, and a twenty-day appeal period ran from November 30 to December 21, 2020. In total, 48 appeals to the new Burlington Official Plan were received by the Region, of which, one was from the applicant. As such, the new Burlington Official Plan is not in force and effect.

Although the New OP, adopted on April 26, 2018, is not currently in effect and not determinative, the following mapping and policies are of note.

Mapping

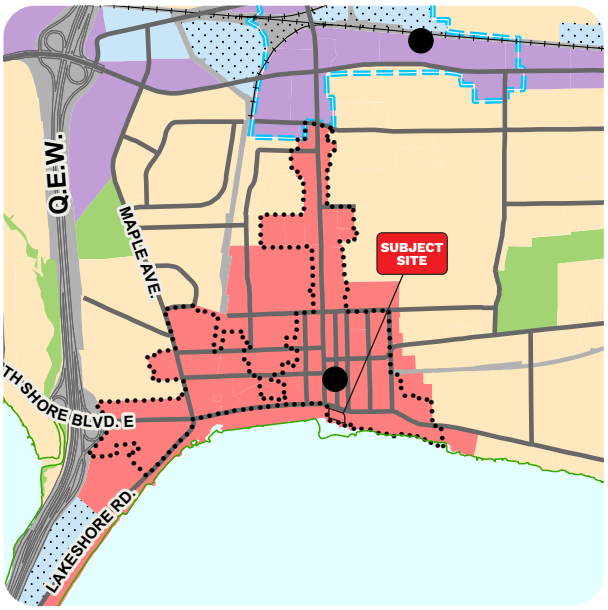
The new Burlington Official Plan identifies and designates the subject site within a new mapping framework, as follows:

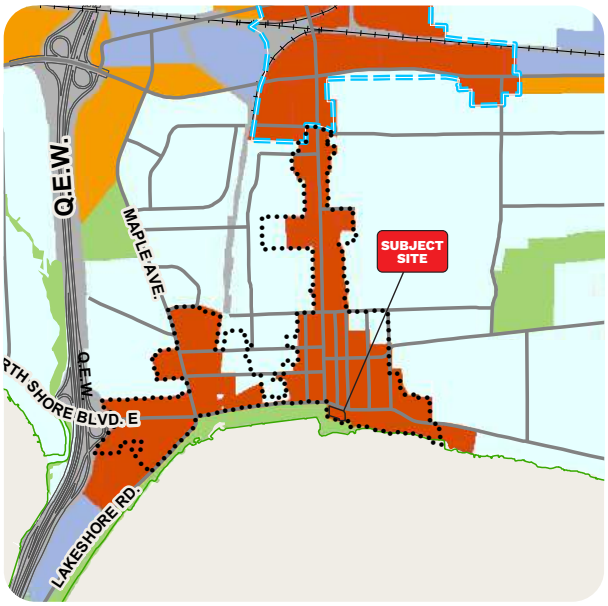
Schedule B – Urban Structure

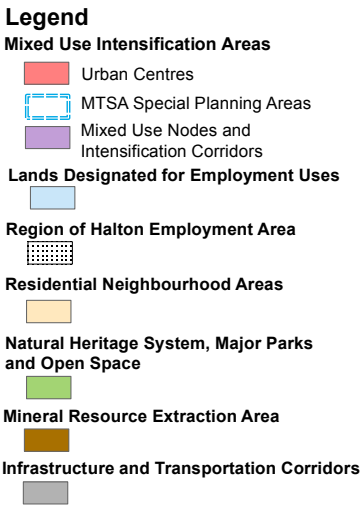
The subject site is located within the City's urban area boundary and remains in the Downtown Urban Growth Centre. The subject site is designated as Urban Centres, is located within walking distance of a Major Transit Station Area (see **Figure 26**).

Schedule B-1 – Growth Framework

The subject site is identified as a Primary Growth Area within the existing Downtown Urban Growth Centre (see **Figure 27**).







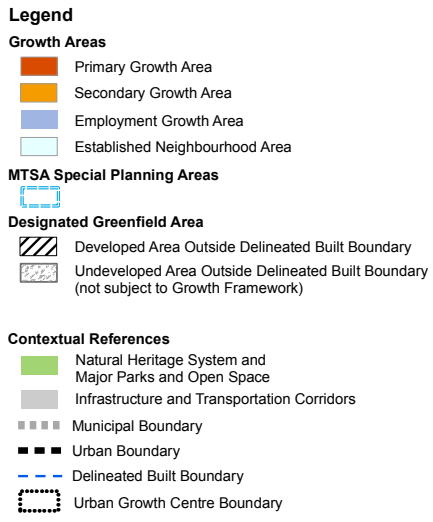
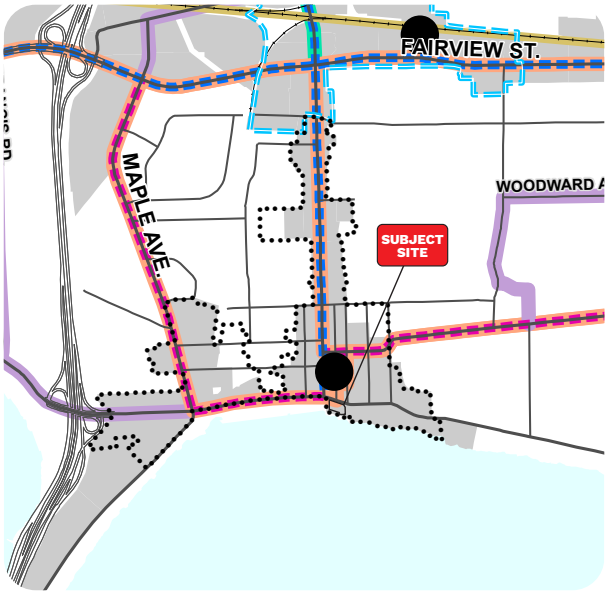


Figure 26 - Schedule B – Urban Structure

Figure 27 - Schedule B-1 – Growth Framework

Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors

The subject site is located within a Primary Growth Area (referencing Schedule B-1) and has frontage along 'Frequent Transit Corridor' with connections from the northwest corner at the foot of Brant Street to both a Primary and Secondary Major Transit Station Area Connector. Furthermore, the subject site is again identified as being within walking distance to a MTSA (i.e. the Downtown Burlington Bus Depot). Please refer to **Figure 28**.



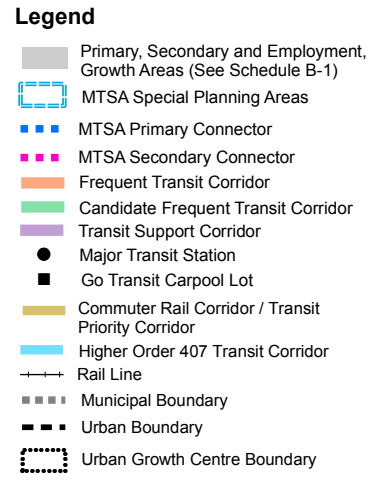
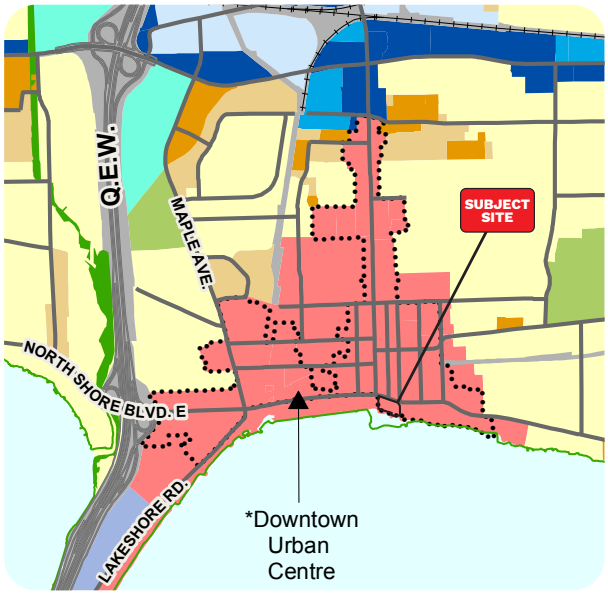


Figure 28 - Schedule B-2 – Growth Framework and Long-Term Frequent Transit Corridors

Schedule C – Urban Area Land Use Plan

The subject site is designated as 'Downtown Urban Centre' within the Downtown Urban Growth Centre boundary (see **Figure 29**).



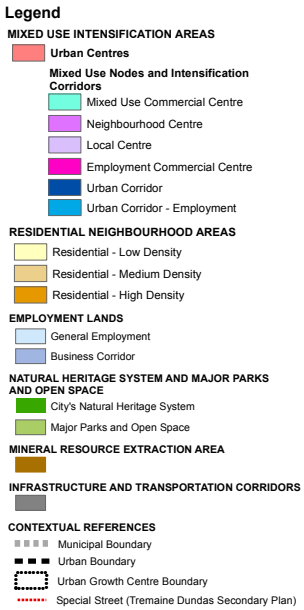


Figure 29 - Schedule C – Urban Area Land Use Plan

Schedule D – Downtown Urban Centre Land Use Plan

The subject site is excluded from a specific Downtown Urban Centre land use designation and is instead labelled with an asterisk as 'Downtown Waterfront Hotel Planning Study (See Chapter 12, Subsection 12.1.4(3))'. The surrounding land use designations to the subject site on Schedule C include: 'Lakeshore Precinct' to the north, east, and northwest; 'Brant Main Street Precinct' to the north; and 'Parks and Promenades' to the south (**see Figure 30**).

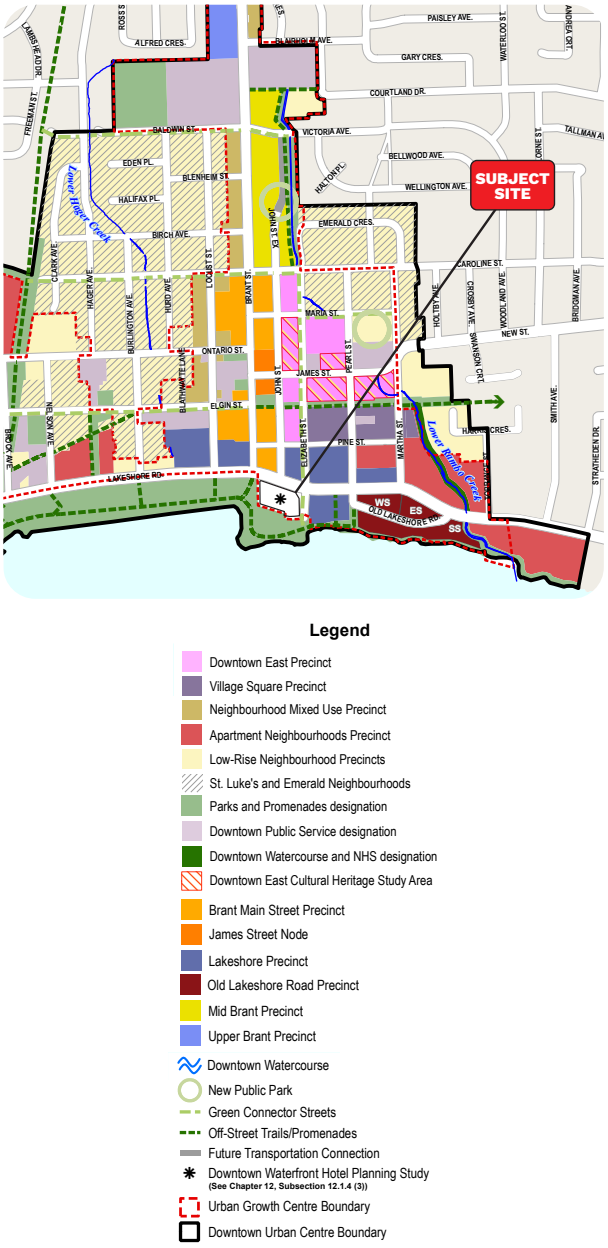


Figure 30 - Schedule D – Downtown Urban Centre Land Use Plan

Schedule D-1 – Downtown Urban Centre Retail Streets

The subject site is identified within the Downtown Urban Centre along a 'Retail Main Street' (**see Figure 31**).

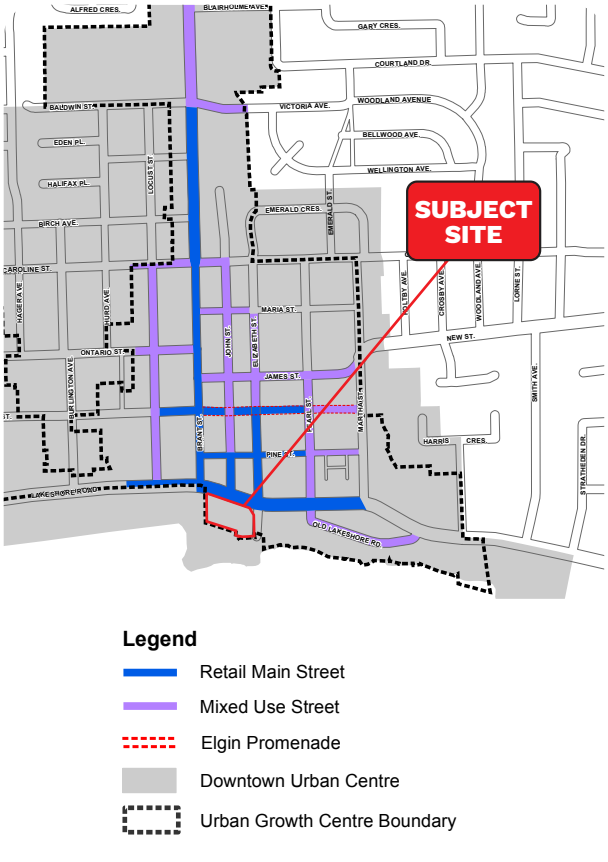


Figure 31 - Schedule D-1 – Downtown Urban Centre Retail Streets

Schedule D-2 – Maximum Building Heights

The subject site is excluded from a specific Downtown maximum height and is instead labelled with an asterisk as 'Downtown Waterfront Hotel Planning Study (See Chapter 12, Subsection 12.1.4(3))'. The surrounding heights on Schedule D-2 include: 11 to 22 storeys to the east, 3 to 15 storeys to the north and northwest. (**see Figure 32**).

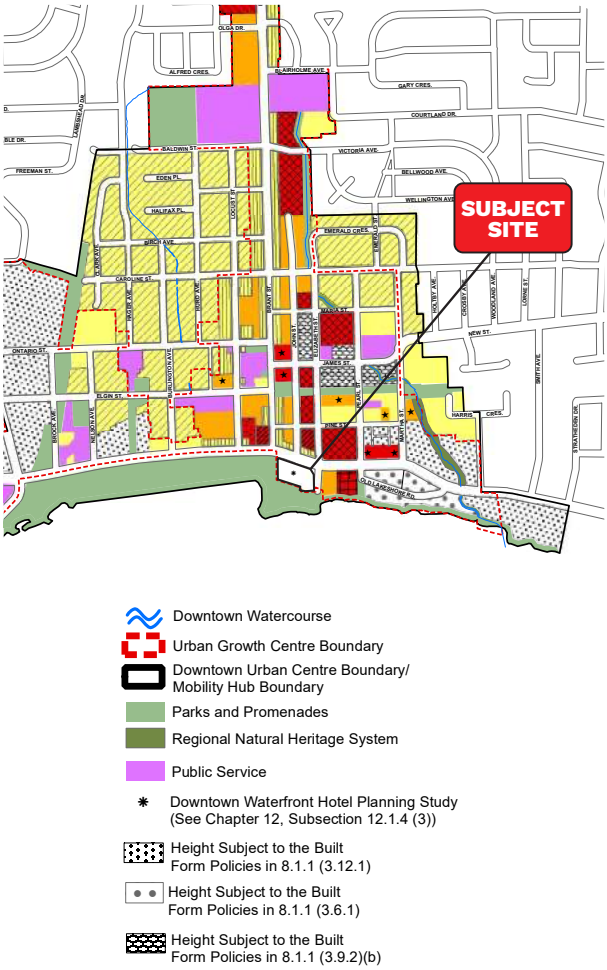


Figure 32 - Schedule D-2 – Maximum Building Heights

We note that this height map seems arbitrary, as it applies only the secured heights granted through applications (some of which were approved via decision by the Ontario Land Tribunal), and the remaining distribution and height allocations are mixed from 3 storeys up to 22 storeys with no real continuation or transition areas.

Land Use Vision Policies

Section 2.1 provides that growth will be focused in the Urban Area to protect Burlington's natural heritage and Rural Area; to build compact, vibrant, sustainable, transit-supportive, healthy, and complete communities, as well as to optimize existing and future infrastructure and services, support active transportation, and to reduce greenhouse gas emissions and support a strong competitive economy.

A primary area for intensification will be directed to 'intensification areas', which include areas around the city's Go Stations and the Downtown (Mobility Hubs), Uptown Urban Centre. Development in these areas will promote connected, walkable, transit-oriented communities that offer convenient access to employment opportunities, a range of housing types, public services including schools and parks, and various daily needs such as shopping and services.

The Urban Structure Policies

The City's Urban Structure establishes a vision for the Urban Area which is further refined in the Land Use Policies – Urban Area in Chapter 8 of this Plan. As noted in Section 2.3 of the Official Plan, the Urban Structure is composed of seven major components, including Mixed-use Intensification Areas in which the subject site falls within. Section 2.3.1 provides the policy framework for the Mixed-use Intensification Areas, which include the urban centres and mobility hubs both of which the subject site falls within as per Schedule B – Urban Structure (see **Figure 26**). Policy 2.3.1(a) provides that lands identified as Mixed-use Intensification Areas provide locations where a range and intensity of employment, shopping, public service facilities, and residential uses will be developed with transit supportive densities in a compact built form where walking, biking, and transit will be prioritized.

Policy 2.3.1(d & e) speaks to the city's Urban Centres which includes the Downtown Urban Centre and those lands identified as Urban Centres are to provide for a broad range and mix of uses in areas of higher intensity in relation to the surrounding neighbourhoods. These lands would bring a variety of public service facilities and a mix of other uses such as retail uses to support residents and employees. Policy 2.3.1(f) states that the Downtown Urban Centre will continue to develop as the city's centre, taking advantage of the unique qualities that contributes to its identity while Policy 2.3.1(h) provides that Urban Centres will exhibit a wide variety of land uses and intensities designed in a compact built form, oriented to support transit and facilitate active transportation.

As noted above, the subject site falls within the Downtown Burlington Mobility Hub (see **Figure 26**), one that has been identified by Metrolinx and included in the Halton Regional Official Plan. Policy 2.3.1(i) states that Mobility Hubs consist of areas located within walking distance to a major transit station area, including the Downtown Burlington Bus Depot or GO Rail Stations which are currently or planned to be serviced by frequent transit corridors and GO Transit. The high level of existing or planned transit service within these areas provides an environment where significant residential and employment growth can be supported, specifically in the form of compact, mixed-use, and pedestrian-friendly areas. Mobility Hubs are emerging areas within the Urban Structure that represent opportunities to intensity and develop complete communities.

Primary Growth Area Policies

Schedule B-1: Growth Framework of this Plan identifies the subject site as a Primary Growth Area. Policy 2.4.1(b) identifies that Primary Growth Areas as the areas where the City is planning to accommodate significant population and employment growth and higher intensity mixed-uses. Policy 2.4.2(1)(ii) states that Primary Growth Areas shall be recognized as a distinct area within the City's Urban Area accommodating the majority of the City's forecasted growth over the planning horizon of this Plan and beyond, and consequently will experience the greatest degree of change. Policy 2.4.2(1)(iii) further provides that Primary Growth Areas shall be regarded as the most appropriate and predominant location for tall buildings in accordance with the underlying land use policies while Policy 2.4.2(1)(v) states that they shall support the frequent transit corridors and accommodate development that is compact, mixed-use, and pedestrian oriented in nature.

Housing Policy

Chapter 3 of this Plan speaks to the policy framework regarding housing and the importance on creating complete communities that meet people's needs for daily living by providing an appropriate mix of jobs, services, full range of housing, and convenient access to public transportation and options for active transportation. Section 3.1 states that the City will promote an appropriate and adequate range of housing choices by type, tenure, and affordability.

Section 3.1.1(1) states objectives regarding housing which include, among others: that a sufficient supply of suitable designated and serviced land is available to accommodate residential growth to meet the existing and future housing needs; to promote a land use pattern that mixes and disperses a full range and mix of housing types and tenures; and to make more efficient use of existing developed lands, housing stock, and available services to increase the supply of housing.

Section 3.1.1(2) provides policies regarding housing, which include, amongst others: that the City will support housing initiatives that facilitate revitalization, particularly the identification and remediation of greyfields, compact built form, and increased variety of the housing stock; and encourage a mix of housing forms, however the city's existing areas of Residential-Low Density shall be considered sufficient to contribute towards the component of the mix.

Climate Change and Air Quality

Section 4.1 of this Plan speaks to climate change and air quality and that to achieve a sustainable community, climate change and air pollution must be addressed. Section 4.1 further provides that climate change and air pollution impacts are caused primarily by burning fossil fuels, resulting in greenhouse gas emissions and that these impacts can be reduced through sustainable, effective, and efficient land use and transportation policies.

Section 4.1.2 of the Plan outlines policies that relate to mitigating climate change and air pollution, which include working to improve air quality and energy efficiency to reduce greenhouse gas and fuel emissions, and mitigating and adapting to climate change through land use and transportation policies related to, among other matters:

i. *maintaining the urban boundary and seeking a compact built form in Mixed Use Intensification Areas;*
ii. *achieving mixed use development to encourage walking, cycling and transit;*
iii. *locating intensification in areas which are well served by existing or planned transit;*
iv. *promoting and encouraging modal shift towards transit and active transportation, using tools such as transportation demand management;*
v. *addressing parking management, primarily through the Zoning Bylaw, that does not undermine transit and active modes of transportation; and […] (ix) encouraging sustainable, energy efficient and low carbon buildings […].*

Policy 5.4.5 refers to the Downtown Urban Centre, which includes the Downtown Burlington Mobility Hub, which is planned to continue to contribute to accommodating jobs and will significantly contribute to accommodating employment and meeting the City's economic objectives.

Multimodal Transportation Policies

Section 6.2 describes policies relating to multimodal transportation in the City of Burlington. Section 6.2.1.(2), Policy (b) provides those public rights-of-way widths in Chapter 14, Table 2: Public Right-of-Way Widths shall be protected and secured through the processing of development applications, unless waived by the City in accordance with Subsection 6.2.7.(2) of the OP.

With respect to transit, Policy 6.2.3(2)(b) provides that long range transit planning will support the city's Intensification Areas with long-term frequent transit corridors and priority being placed on providing the highest level of transit service in the city's Primary Growth Areas.

In regard to public right-of-way allowances, Policy 6.2.7.(2)(d) states that public right-of-way widths not identified in Chapter 14, Table 2: Public Right-of -Way Widths, of this Plan shall be the actual width as it existed on the date of approval of this Plan.

Design Excellence Policies

The preamble in Chapter 7 outlines the role that urban design plays in promoting a sense of place and community and by inviting people to share a collective vision for where they want to live, work, visit, and enjoy. Section 7.1.2 provides policy framework that is related to design, which include among others; the design policies contained in this section shall be considered in the review and approval of all development applications (a); design guidelines may be developed for certain types of building forms, land uses, streetscapes, streets, and roads or specific areas in the city and that council approved design guidelines will be utilized in the review and evaluation of development applications (d); and development proponents may be required to prepare and implement an urban design brief to the satisfaction of the City that demonstrates how the proposed development meets the policies of this Plan and addresses the relevant design guidelines (e).

Public Realm Policies

Policy 7.2(a) provides that the design of the public realm shall address considerations such as, but not limited to, the following:

i. Improving the quality of public spaces;
ii. Providing appropriate and consistent treatments for streetscape elements such as sidewalks, pedestrian crossing, lighting, street furniture, street trees, and landscaping;
iii. Improving the quality and convenience of active transportation;
iv. Creating an attractive and comfortable environment for pedestrian movement;
v. Implementing AODA design measures;
vi. vii) Improve multi-modal transportation and public space needs in design of streets and roads;
vii. Improving quality of streets, sidewalks, and cycling facilities to provide more direct active transportation; and
viii. Implementing CPTED design standards.

Urban Design and Built Form Policies

Policy 7.3.2 states that in areas identified on Schedule B-1: Growth Framework, and subject to the policies of Subsection 2.4 of this Plan, development shall address considerations such as, but not limited to the following: ensuring site and building design are compatible with the surrounding area; providing appropriate built form transition in scale between buildings, public realm, and abutting development through design methods such as angular planes, stepbacks, and building orientation; provide appropriate screening, landscape buffering, and other design measures to minimize impacts; provide pedestrian comfort and human scale at the street level reflecting the established and planned streetscape to frame the public realm, through various design methods including the use of podiums in tall buildings; provide façade articulation that achieves a scale of development that is attractive to pedestrians and avoids the use of blank walls; designing and orienting development that face public open spaces to contribute to the public realm and pedestrian environment; and implementing measures that adequately limit any resulting shadowing, uncomfortable wind conditions on the streetscape, neighbouring properties, and parks and open spaces.

Furthermore, Policy 7.3.2(1)(a) states that in Primary Growth Areas as shown on Schedule B-1: Growth Framework, development shall promote a transit-supportive and pedestrian-oriented environment and ensure compatibility with adjacent land uses. Policy 7.3.2(1)(a)(i) provides that the design of development in Primary Growth Areas shall address the policies of Subsection 7.3.2(a) as noted above, but also have additional consideration such as, amongst others:

locating buildings generally parallel to the public street to define the street edge and in close proximity to the street and transit services; providing appropriate transitions to adjacent land uses; massing new buildings to frame adjacent streets in a way that respects the existing and planned street width and also provides a pedestrian-scale environment; locating building

primary public entrances for uses located at grade towards a public right-of-way and visible and accessible from the public sidewalk; including direct pedestrian access including barrier free access from grade level to the primary public entrances located on the building façade; screening or integrating roof top mechanical equipment within the overall composition of the building; creating an attractive and connected interface between the private and public realms; creating a continuous streetscape with emphasis on maintaining the continuity of grade-related activity areas, both inside and outside of the buildings; and providing appropriate outdoor amenity areas and open space.

Policy 7.3.2(1)(a)(ii) further provides that development is Primary Growth Areas should locate and organize parking, access, and service areas to minimize their impact on surrounding properties and the public realms. The design of vehicle parking, access, and service areas shall address considerations such as, but not limited to:

a. Locating off-street parking in the side and/or rear yards, in underground or structured parking where appropriate, away from the street edge and adjacent residential uses;
b. Integrating parking areas located at or above grade within the built form of the building and away from the street frontage, where appropriate;
c. Limiting the number and location of vehicular access points to minimize disruption to traffic flows, and to minimize the impact on local streets, pedestrian travel along sidewalks, or cyclists traveling along bikeways;
d. Screening and buffering of off-street parking areas from public view through the use of setbacks and landscaping;
e. Locating loading areas and service areas to avoid conflict between pedestrian and vehicular traffic and away from adjacent residential uses and adjoining streets;
g. Incorporating fencing and/or screening of service facilities, such as loading bays or outdoor storage areas, in a manner which enhances screening from adjacent land uses and the public right-of-way and improves the aesthetic quality of the development.

Section 7.4 provides policy framework regarding sustainable design. In particular, Policy 7.4.1(a) states that Official Plan Amendments, Zoning By-law Amendments, and Site Plan applications for high and medium density residential and mixed-use developments shall address the following sustainable design measures, which include, among others: safe and direct on-site connections to public transit where available; on-site bicycle facilities; identification of appropriate snow storage areas to reduce the adverse impacts of salt and de-icing practices; a waste management plan with appropriate facilities; and bird-friendly design measures for glass buildings.

Land Use Policies – Urban Area

The subject site is identified as a Mixed-use Intensification Areas and designated 'Urban Centres' as shown within Schedule C – Land Use – Urban Area of this Plan (insert figure of schedule C).

As describes in Section 8.1 of the Plan, lands identified as Mixed-use Intensification Areas will achieve a multitude of planning objectives by combining a broad range of intensities of employment, commercial, and residential uses, among others. These areas will provide people an opportunity to depend less on their automobiles while creating distinguishable places along transit routes that are animated, attractive, and safe.

Policy 8.1.1 states that Urban Centres will intensity and accommodate a significant portion of the demand for higher intensity employment, commercial, and residential development within the city.

Urban Centre objectives provided in 8.1.1(1) of this Plan are to, among others: provide locations in the city that will serve as for higher intensity mixed-use development, consisting of residential, retail, service commercial, office, employment uses (a); to encourage higher intensity, transit-supportive and pedestrian oriented development within Urban Centres while ensuring compatibility with the surrounding area is achieved (b); to permit mixed-use developments on individual sites where residential, retail, service commercial, office and other uses are located (c); to ensure Urban Centres are developed in a compact built form (d); to ensure that development in Urban

Centres is compatible with the surrounding area (e); to encourage the accommodation of a diverse range of household sizes and incomes (f); to promote a more diversified and integrated multi-modal transportation system in Urban Centres (i); and to ensure Urban Centres are highly accessible by transit.

8.1.1(2) provides general policies for the Urban Centres, which include, among others: the design and development of Urban Centres shall promote these areas as multi-functional activity centres which are characterized by a mixed-use and compact built form of development, pedestrian-orientation, accessibility to public transit and higher intensity development (b); the design and development of Urban Centres shall ensure compatibility between Urban Centre uses and surrounding areas (c); Zoning By-law regulations affecting Urban Centres shall be based on the general policies for Urban Centres contained in Subsection 8.1.2(2) of this Plan, and the specific policies for individual Urban Centres, contained in Subsection 8.1.1(3) and 8.1.1(4) of this Plan (f); multi-unit residential developments in Urban Centres should incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes (g); and Urban Centres shall be served by frequent transit corridors (k).

Section 8.1.1(3) further describes the Downtown Urban Centre in which the subject site falls within. It goes on to provide that the Downtown will continue to be an area where retail, entertainment, offices, and residential uses, amongst others, shall be developed. The development within the Downtown will make best use of the existing infrastructure and crease a sustainable and compact community with a wide range of land uses and built forms. The Plan further adds that new development will be of high-quality design and enhance the Downtowns image as an enjoyable, safe, bikeable, walkable, and transit-supportive place, and built to be compatible with buildings and neighbourhoods.

8.1.1(3.1) speaks to the general objectives of the Downtown Urban Centre, which include amongst others; to establish minimum density targets for the Urban Growth Centre contained in the Downtown in terms of residents and jobs in accordance to the Growth Plan (b); to provide a continuous, harmonious, and safe and attractive pedestrian-oriented environment through high-quality streetscapes including enhanced greenery/landscape, and new developments which achieve urban design excellence (k); to permit building heights and intensities within the Urban Growth Centre that will support and enhance the City, Regional, and Provincial significance of the Downtown and its role as a mobility hub (l); to require a mix of uses within developments throughout the Downtown that reinforces the Downtown's role as a complete community (m); to ensure Downtown continues to have a strong employment base that will attract new business, services, and amenities to support the long-term success of Downtown (n); to concentrate the tallest development in those parts of the Urban Growth Centre that have the greatest access to higher order transit and which are located away from the Lake Ontario waterfront.

8.1.1(3.2) provides the general policies for the Downtown Urban Centre, which include; development along General Mixed-use Streets may be required to provide a minimum floor-to-floor height, as established in the Downtown Area-Specific Plan and/or Zoning By-law and that height, density, and or intensity permissions stated within all Downtown Urban Centre precincts, with exception of two, shall be inclusive of the provision of any and all community benefits which may be required as part of the approval of a development to the satisfaction of the City.

Downtown Waterfront Hotel Planning Study

Schedule D – Land Use – Downtown Urban Centre further identifies the subject site as the 'Downtown Waterfront Hotel Planning Study', while Section 12.1.4(3) provides policy regarding the site. Policy12.1.4(3)b) states a planning study will consider the existing and planned context and will guide the development of this site, which represents a significant opportunity for mixed-use development linking the Downtown with the waterfront. Located next to Spencer Smith Park and the Brant Street Pier, any further development shall provide a high quality of urban design reflecting the landmark nature of this site. Input from residents will be required to ensure the new development reflects a high quality of urban design that enhances the community's access to the waterfront and the Downtown.

Furthermore, Policy12.1.4(3)c) states until the study is completed and approved, only the uses existing as of the date of approval of this Plan, are permitted.

Mobility Hub Policy

Mobility hubs as mentioned in Section 8.1.2 are an important component of the city's Urban Structure, Growth Framework, and transportation network. The policies within this section of the Plan are applied to Mobility Hubs as shown on Schedule D: Downtown Urban Centres, for which the subject site is within.

8.1.2(1) provides objectives related to Mobility Hubs which include, but not limited to: to develop the mobility hubs into compact, pedestrian, environmentally sustainable and transit-supportive places (b); to promote intensification in order to achieve transit-supportive residential and employment density targets (c); to establish the mobility hubs as areas largely characterized by mixed-use development that will strengthen the shop/live/work relationship and facilitate vibrancy day and night (d); to provide a network of complete streets which provide for the efficient, accessible, and safe movement of goods and people which prioritize pedestrian, bicycle, and transit activities (e); to develop mobility hubs into effective multi-modal transit station areas that provide seamless connections between different modes of transportation including frequent transit corridors (f); to ensure mobility hubs have strong and integrated multi-modal connections with adjoining areas (g); to prioritize the development and intensification of underutilized lands and buildings (h); to provide mid-rise and tall-building forms, where appropriate, that support a variety of demographics (j); to provide opportunities for a range of small and medium scale retail and service commercial uses that serve the needs of residents and employees (k); to encourage a diverse range of household sizes (l); and to ensure appropriate transition in scale, intensity, height and massing (n).

Policy 8.1.2(2) further states that for the Downtown Mobility Hub, as identified on Schedule D: Downtown Urban Centre, of this Plan, the objectives and policies of Urban Centres contained in Subsection 8.1.1 of this Plan, the Downtown Urban Centre contained in Subsection 8.1.1(3) of this Plan, Mobility Hubs contained in this Subsection 8.1.2 of this Plan, and any other applicable policies of this Plan, shall apply.

4.10 Burlington Waterfront Hotel Planning Study

The Burlington Waterfront Hotel Planning Study ("WHPS") was identified as a required undertaking prior to any redevelopment of the subject site and is applicable to only the subject site. This requirement was laid out in Policy 5.5.9.2(l) of the in-force City Official Plan and has been carried forward to the new Burlington Official Plan through Schedules D and D-2 and Policy Policy12.1.4(3)(b).

The WHPS was initiated in the spring of 2017 and was intended to guide the redevelopment of the subject site, ensuring the redevelopment reflects a high quality of urban design that enhances the community's access to the waterfront and the downtown. The WHPS was completely funded by the Owner.

Public consultation and engagement for the Waterfront Hotel Planning Study began in May 2017. The feedback gathered from the community resulted in the creation of the following two emerging in September of 2017.



Figure 33 - Concept 1



Figure 34 - Concept 2

On June 18, 2018, Burlington City Council endorsed the following key policy directions:

Land Use and Built Form

1. Create building frontages along Lakeshore Road and Elizabeth Street with building placement that establishes a defining street wall and frames the street zone.
2. Provide active uses at grade along Lakeshore Road and Elizabeth Street.
3. Achieve active and animated edges adjacent to Spencer Smith Park, with a requirement for retail and service commercial uses at grade:
    a. Built form next to the south property line shall activate and animate this edge, respect the existing grade, and be scaled to the waterfront trail with higher levels stepping back as necessary.
    b. Built form next to the west property line shall activate and animate this edge, respect the existing grade, and be scaled to Spencer Smith Park with higher levels stepping back as necessary.
4. Require a minimum of two uses within buildings and where feasible, encourage three uses.
5. Establish an iconic landmark building on the site subject to the following:
    a. A new public, pedestrian space is provided at the foot of Brant Street where public views to the Lake and Pier are enhanced;
    b. The iconic landmark building must contain a destination use or function;
    c. The iconic landmark building shall enhance the City of Burlington's image/identity.
6. Require design excellence in all matters of architecture, landscape architecture, sustainable and urban design and require that all public and private development proposals on or adjacent to the site be evaluated/ reviewed by the Burlington Urban Design Advisory Panel.

Public Realm

7. Protect public view corridors to Lake Ontario from Brant and Elizabeth Streets, and where possible John Street.
8. Enhance the Brant Street view corridor to frame views to the Brant Street Pier and require a significant building setback from the west property line.
9. Create new and enhanced publicly accessible green/open space, which would include new north-south pedestrian connections between Lakeshore Road and Spencer Smith Park (mid-block and along the site's edges).
10. Minimize changes to the existing grade along the southern edge of the site and enhance the interface with Spencer Smith Park.
11. Integrate a public washroom within the future redevelopment; with an entrance that is accessible, highly visible and within close proximity to Spencer Smith Park.
12. Identify opportunities for the placement of public art on and adjacent to the site.

Mobility and Access

13. Vehicle access shall be from Elizabeth Street.
14. Vehicle access from Brant Street will be closed and converted to a pedestrian orientated gateway to the waterfront.
15. All required on-site parking shall be provided underground (parking structures shall not be visible from the public streets and park).
16. Require Transportation Demand Management (TDM) and mitigation measures:

Since Council's endorsement of the key policy directions on June 18, 2018, the WHPS has remained in a status of limbo, even though the study was completely funded by the owner. In our opinion, outstanding WHPS and related OP Policy are effectively sterilizing the lands from redevelopment indefinitely. Therefore, the Official Plan Amendment also proposes to eliminate the WHPS policy requirement.

It is noted that all of the key policy directions identified through comprehensive public and staff consultation have been adopted and would be implemented through the proposed design, should the proposed development and subject Official Plan and Zoning By-law Amendments be approved.

4.11 City of Burlington Zoning By-law 2020

Pursuant to Zoning By-law 2020, the subject site is zoned Downtown Wellington Square (DW) as shown on the City's interactive zoning map (see **Figure 35** - Zoning By-law 2020).

Permitted uses in the DW zone include retail commercial uses (e.g. department stores, grocery stores, or convenience stores, etc.), service commercial uses (e.g. restaurants, other retail stores, terrace patios, veterinary services, etc.), community uses, offices, hospitality uses (e.g. hotels, convention centres, etc.), entertainment and recreational uses (e.g. night clubs), and residential uses including apartment buildings.

Therefore, the proposed development for a new mixed-use commercial / residential building with multiple residential units, a hotel, and other related commercial uses are all permitted in the current DW zoning category.

The maximum permitted height in the DW zone is 8 storeys and 29 metres while the maximum floor area ratio is 5.0:1. This corresponds to and implements the City's Official Plan, which in our opinion, is out of date, and does not adequately reflect the current Provincial and Regional planning policy framework, or account for things such as land use compatibility, good urban design, and current issues like the housing crisis.

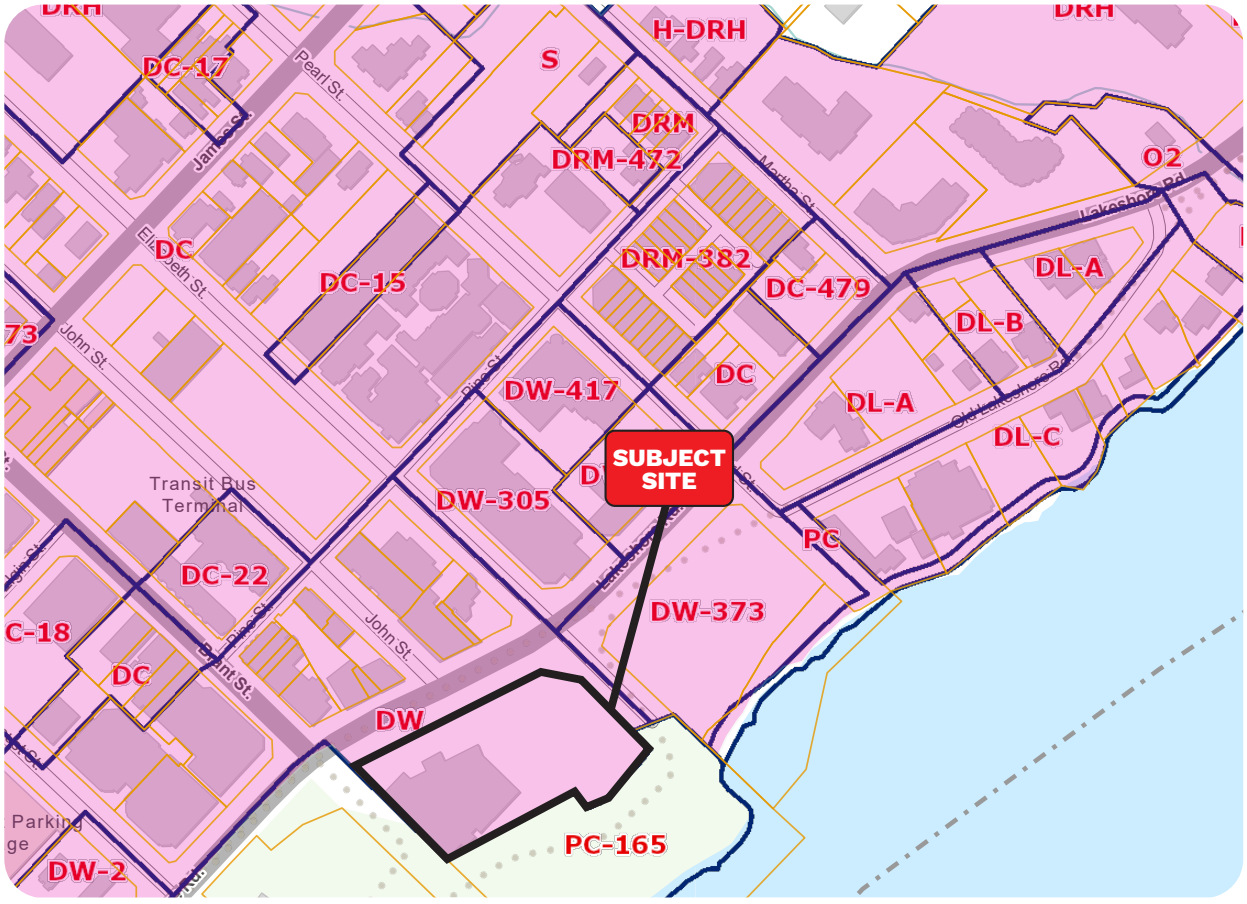


Figure 35 - Zoning By-law 2020

In addition, subject site is located within the City's "Downtown Parking Exemption Area" according to the Zoning By-law, which recognizes the high-density, mixed-use development of the area (see **Figure 36** - Downtown Parking Exemption Area). Parking requirements within this area have been updated to reflect the general oversupply of parking required in the Zoning By-Laws.

Notwithstanding the use permissions, the proposed development requires an amendment to the City's Zoning By-law, in order to permit the proposed height, density, and to create new site-specific exceptions to regulate the built form and site design as proposed.

For reasons outlined in Section 5.0 of this report, it is our opinion that permitted regulations set out in Zoning By-law 2020 are not consistent with the Provincial Policy Statement and do not conform with the Growth Plan (2019) and the evolving regional and local official plans. The zoning is outdated and has not been updated to reflect the more recent planning policy documents and the contemporary zoning standards required to facilitate the type of redevelopment intended by provincial and regional planning policies. As a result, a Zoning By-law Amendment is being submitted to allow for the proposed height and density, as well as other site-specific zoning regulations in support of the redevelopment proposal.

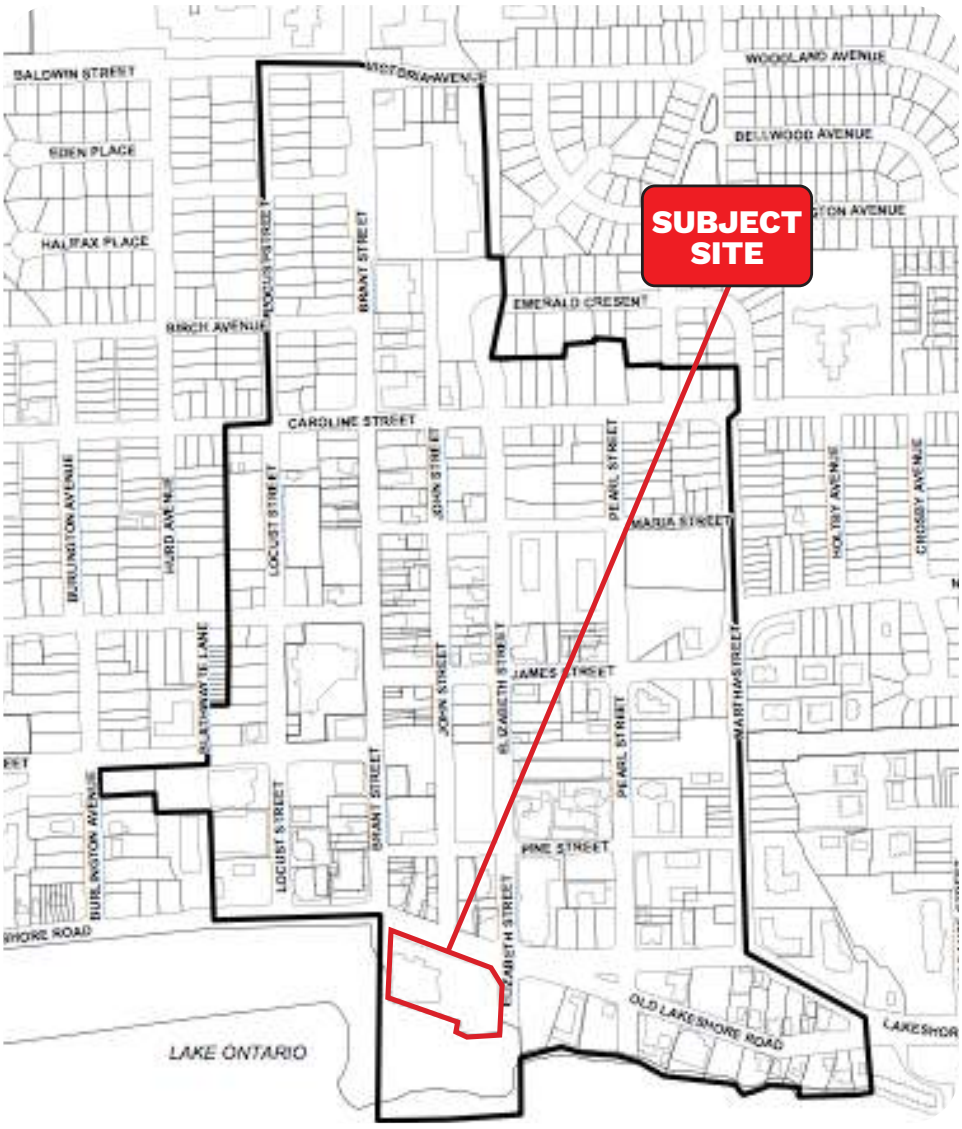


Figure 36 - Downtown Parking Exemption Area

4.12 Downtown Urban Design Guidelines (October 2006)

The City of Burlington Downtown Urban Design Guidelines were prepared by Brook McIlroy Planning and Urban Design and approved by Burlington Council October 10, 2006. The guidelines were prepared as result of growing development activity in Downtown Burlington, particularly in the form of condominium buildings and ongoing improvements to the Burlington Waterfront. The Burlington Downtown Urban Design Guidelines (UDGs) are intended to supplement the Official Plan and Zoning By-law by providing property Owners, developers, and City staff with additional detail on what constitutes desirable built form in the Downtown.

As UDGs are not themselves part of the OP or Zoning By-law, they must be understood as a guiding document only without the force of policy. As provided by Section 1.3 – Existing Character of the UDGs, the intent of the guidelines is not to prevent all development, restrict development to low-rise buildings or make any new building adopt a "heritage style". Instead, the guidelines provide a set of recommendations to ensure that new development protects the most crucial aspects of Downtown Burlington's existing character including: the relationship of buildings to streets and open spaces; the articulation of facades; the relationships of buildings to one another; the protection of important views; the fine-grained pedestrian network with its shortcuts and urban paths; and the palette of materials.

The subject site is located within the Wellington Square Precinct, which is identified in the Downtown Urban Design Guidelines as an area that has seen significant growth in the area over the last several years with that trend expected to continue. It goes on to say that this area has taller permitted heights than in the Central Area and generally larger buildings. Key issues include the preservation of views from public streets, the diversity of the façade landscape and maintaining a fine grain of built form at the street level.

As per Section 2.2 of the Downtown UDGs, the site is located within the Wellington Square Precinct, which provides that the area has seen significant growth over the last several years, a trend that is expected to continue. With taller permitted heights than in the Central Area and generally larger buildings, key issues include the preservation of views from public streets, the diversity of the façade landscape and maintaining a fine grain of built form at the street level.

The following Downtown UDGs are applicable to the proposed redevelopment of the site:

- Guideline 4.2.4 and 4.5.6 – Urban condition tolerant street trees are proposed along both road frontages which are adequately separated from one another along wide sidewalks to promote pedestrian movement and landscape buffers are provided along the north and east boundaries to define the site boundaries;
- Guideline 4.6 – Linking the Downtown to the waterfront
- Guideline 5.1 – The proposal carefully considers built form elements such as height, mass, setbacks, parking, servicing, access, sun penetration and visual conditions at the street level and are analyzed further in Section 5.0 of this report;
- Guideline 5.3.1 – The ramp to the underground structured parking is located away from the public interface off of a secondary street to minimize visual impacts;
- Guideline 5.3.2 – Loading and service areas are located interior to the site, to the rear of the podium level of the building and have minimal visibility from the public street or from the park;
- Guideline 5.4.1 - Building setbacks generally should be sensitive to the location of existing built form, sun angles and the intended use of the sidewalk (patio, gathering place, etc.). Setbacks are generally recommended to achieve the desired 4.0-5.0-meter boulevard and sidewalk width between the curb and building face. These setbacks should be well designed to accommodate a variety of soft and hard streetscapes.

- Guideline 5.4.2 – The street wall is designed with a high degree of architectural design and materials to relate to the human scale pedestrian environment;
- Guideline 5.4.3 – Canopies extending towards the street are proposed over all main entrance to the retail and residential entrances;
- Guideline 5.4.4 – The first floor of the building provides transparency and access which animates the ground floor, with over 60% glazing along both public street frontages and 5.0 metre floor-to-ceiling heights;
- Guideline 5.5.4 – Shadow analysis was prepared and determined that there are no unacceptable shadow impacts on the closest low-rise residential areas, the public right of ways, open spaces, and pedestrian areas and/or streets, where a high degree of sun penetration exist;
- Guideline 5.5.5 – The building proposes stepbacks of approximately 1.5 metres at the 4th level, and varying stepbacks between 0.7 metres to 7.8 metres at the 5th level. The building also proposes stepbacks of 5.7 metres to 14.0 metres at the 6th level between the podium and tower components reducing the overall tower floorplates to 747.0 square metres for the western tower and an average of 742.3 square metres for the eastern tower;
- Guideline 5.6.6 – The roof levels propose a total of 685 to 697 square metres of interior space, with the mechanical penthouse areas at 697 square metres and 406 square metres for the east and west towers, respectively;
- Guideline 5.5.7 – The tower achieves a minimum tower separation distance of 41.8 metres between the two towers and well beyond 25 metres between the next closest tower to the east;
- Guideline 5.7.1 – The building base achieves human scale as it proposes an appropriate podium height, mass, and design, promotes pedestrian elements and a strong relationship to the street with entrances, canopies, and large areas of glazing, and provides active retail/commercial uses at-grade;
- Guideline 5.7.2 – The proposed high-rise is compatible with existing and proposed building heights in the Downtown area, proposes 5 to 6-storey podium, setbacks and stepbacks are integrated into the design to mitigate against impacts such as views, wind and shadowing, and the roof/ mechanical level is integrated into the architectural design of the building;
- Guideline 5.7.3 – High-rise building articulation is carefully considered with the use of vertical and horizontal building elements, use of similar materials and colours, balcony placement, and combination of glazing and spandrel glass;
- Guideline 5.7.4 – The building seeks to express a unique identity by creating a sense of arrival with a landmark design, clearly identified entrances, weather protection, unique placement of residential balconies, a 4-storey breezeway / atrium, views to the lake (for both residents, patrons, and the public), window and balcony detailing, use of amenity areas on multiple levels, particularly on the roof, which is integrated with the mechanical penthouse level;
- The topmost level of the podium proposes a green roof with a variety of planting materials which is shown in greater detail on the Landscape Plan and will also act as a pedestrian connection.

Section 7 of the UDG speaks to specific block plan guidelines which are intended to provide the City of Burlington with a more detailed means of responding to development applications in the Downtown Area. In this regard, the subject site is situated within Block 23. Through the specific Block 23 plan, expanded site-specific opportunities and guidelines were developed for both the subject site, and the parcel to the east, which include the following. Note that these specific design guidelines are somewhat out of date, as they were prepared in 2006, and certain references are no longer applicable (e.g. reference to the Travelodge Hotel). As such, they should be interpreted in principle accounting for current uses.

1. Permeability and Preservation of Views
    a. Clear, unobstructed physical access and clear views to the Lake should be maintained and enhanced from Brant, John, and Elizabeth Streets. In general, taller, and narrower buildings (but consistent with the Official Plan) are preferred.
2. Northern Interface – Lakeshore Road
    a. A key principle for this site is the creation of animated, active, attractive, and permeable building edges that create a consistent street wall along Lakeshore Road.
    b. Buildings should be brought closer to Lakeshore Road while preserving the existing double row of trees, which should be extended east towards the Old Lakeshore Road Precinct.
    c. The sidewalk width from building façade to curb (7.6 metres) on the Mayrose Tycon site to the east should be extended to the Travelodge site.
    d. No direct vehicular access or loading facilities (except for right-in, right-out following thorough consideration by relevant departments) should be located on Lakeshore Road.
3. Western Interface – Brant Street & Spencer Smith Park
    a. Brant Street should be developed as the prime pedestrian link between the Downtown with the Waterfront and particularly the future Pier. Uses on the Travelodge site (subject site) should support and reinforce this important function.
    b. The interface with Brant Street should be improved to include animated, active, attractive, and permeable building edges (e.g. cafés and seasonal retail) appropriate to the public path leading to the Pier.
    c. If the existing Hotel tower is replaced, building elements should step down as a podium to lower building edges facing Lakeshore Road, Brant Street, and the Waterfront Park.
    d. No residential uses should be located at grade.
4. Southern Interface – Spencer Smith Park
    a. The Waterfront Park interface should include animated, active, attractive, and permeable building edges including restaurant uses and outdoor terraces at grade.
    b. No residential uses should be located at grade.
    c. Bermed landscaping treatment may be acceptable to soften the edge of non-active building walls (e.g. wall of potential underground parking facility).
5. Eastern Interface – Elizabeth Street
    a. Elizabeth Street is an important pedestrian access point between the Downtown and the Waterfront. Uses on the Travelodge site should support and enhance this function and not create visual or physical obstacles to the Lake.
    b. The consolidation of parking entrances and underground garage facilities on the Travelodge site and the Mayrose Tycon site to the east should be pursued.
    c. Human-scaled low-rise street walls of 2-4 storeys in height should be provided, with taller elements set back significantly from the street wall. Setbacks should accommodate useable terraces and where large flat expanses of roof occur green roofs are recommended.
    d. Horizontal and vertical articulation should be introduced in the façade to add visual interest.
    e. Access for park maintenance and emergency vehicles should be provided from Elizabeth Street.

6. Massing and Tower Design
    a. Tall buildings are recommended on this site with appropriate stepping back towards public streets and strategic orientation of the building as described below. A number of schemes for building height and massing are depicted. Option A illustrates a maximum height of about 14 storeys on the existing hotel site with a lower 10 storey building on the parking lot. Option 2 illustrates maintaining the existing Travelodge and redevelopment of the parking lot with a 10-storey building. Option 3 illustrates the highest density and 14 storeys building on the parking lot and a lower 10-12 storey building on the Travel Lodge site.
    b. The floorplate of tower elements should be minimized and not exceed 650-700 square metres. Please note that the Build-to Line is an outer boundary for building edges. A smaller floorplate is to be located within these boundaries.
    c. Tower elements should be oriented to maximize sky views with a slender profile as seen from Lakeshore Road and the Park. In the case of a rectangular floorplate, the longer side should be located parallel to north-south streets.
    d. Rooftop mechanical elements should be integral to the architecture of the building and use the same high-grade materials as the occupied areas of the building.
    e. Above the base of the building, hotel or residential units should face all four sides (i.e. a blank façade or reduced glazing on the north side of the building would not be acceptable).
    f. Rooftop gardens or green roofs are encouraged.
7. Wind Impact
    a. All proposals should be subject to a wind study to ensure that impacts on the pedestrian realm is minimized.
8. Materials
    a. Materials and colours should convey a sense of permanence and quality, particularly at the base of the building.
    b. All materials should be used in their natural and unadorned state. Replication or mimicry of past architectural styles should be avoided.
    c. At upper levels, materials should be differentiated from the base to articulate the mass of the building and reinforce the slenderness of tower elements.
    d. Vinyl window systems should be avoided. Clear glazing with low-E coating should be utilized. Tinted or coloured glass should be avoided and not permitted at the grade level of the building to promote transparency and public safety.
    e. In general, "Green" materials that are accepted under LEED standards should be chosen. Materials that engage toxic chemicals during fabrication and/or disposal, such as vinyl, should be avoided.
    f. In addition, locally sourced materials that limit environmental impact at fabrication, installation and disposal stages should be preferred.
    g. The reuse of materials from building on site or other buildings should be encouraged, in addition to the use of:
        i. Recycled building materials;
        ii. Renewable materials;
        iii. Low-emitting materials;
        iv. Certified wood;
        v. Materials to be avoided include stucco, vinyl siding, metal siding and metal panel curtain wall.
9. Parking Solutions
    a. Parking should be located underground, taking advantage of the 5-8 metre grade difference between the north and south ends of the site.
10. Active Retail
    a. Retail uses should be located fronting on public streets with entrances from the street.

What the Block 23 Plan also provides, is a conceptual plan for the subject site, which includes a two-tower layout (similar to the proposed) and a height up to 14 storeys, built to the street line (see **Figure 37** - 2006 Downtown Urban Design Guidelines Figure 84, Block 23 Plan).

For the reasons set out below in Section 5.0 of this report, we are of the opinion that the proposed development is in keeping with the 2006 Downtown Urban Design Guidelines.

4.13 Tall Building Design Guidelines (May 2017)

The City of Burlington, in conjunction with Brook McIlroy, prepared the Tall Building Design Guidelines (the "TBG"), dated August 2016, and approved by Council on October 3, 2016, as "interim guidelines". The purpose for the "interim" status was to accommodate further consultation with the public and development industry and to facilitate revisions, as needed, prior to enacting the guidelines on a permanent basis.

Following public and industry workshops in January 2017, revised Tall Building Guidelines were prepared in April 2017. A final roundtable discussion was organized by City staff with the development industry on May 15, 2017, which led to the preparation of the final Tall Building Design Guidelines, dated May 2017, and approved by City Council on July 10, 2017.

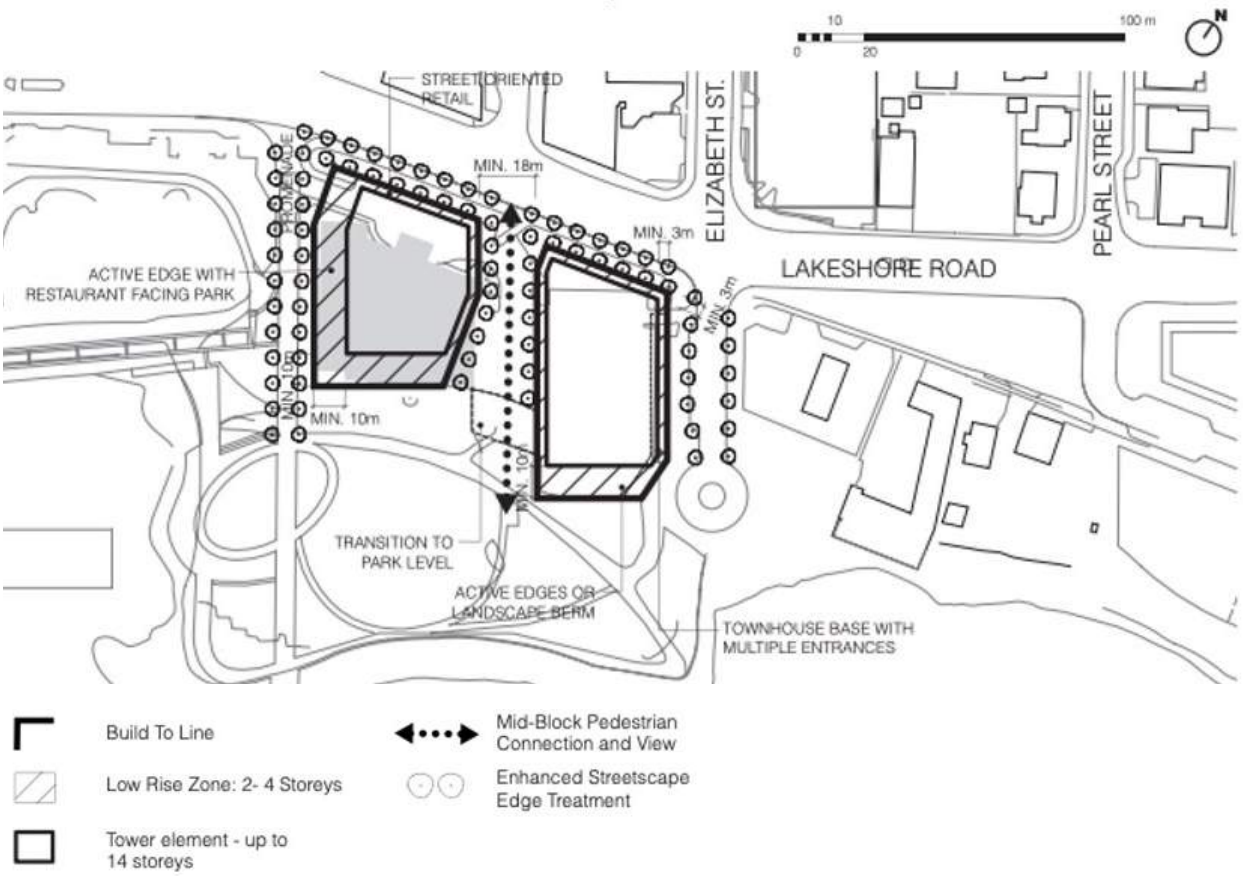


Figure 37 - 2006 Downtown Urban Design Guidelines Figure 84, Block 23 Plan

The intent of the Tall Building Guidelines is to provide guidance for developers and architects designing tall buildings in the City of Burlington and will be used by City staff as one tool in evaluating development applications and mobility hub planning. The guidelines are applicable to all tall buildings (over 11-storeys) across the entire City and are broken down by the components of a tall building which include: building base (podium); building middle (tower); and, building top.

Building Base

Section 2.0 of the TBG provides design direction with respect to podiums of tall buildings, providing that the podium of a tall building anchors the tower and defines the pedestrian experience at the street. Its location and height should frame and create a positive relationship to the street. Specifically, tower bases should be carefully designed, including a mix of horizontal

and vertical elements, to reinforce a human scale. Clear glazing, and the arrangement of internal uses, should create a visual connection between the public and private realm, while promoting vibrancy and activity throughout the day.

Podium Location

a. *Located to frame the street, and on corner lots, located to frame both streets.*
b. *On retail streets (i.e. Brant Street), and other streets where a strong streetwall exists, should reinforce the established streetwall.*
c. *Where no streetwall has been established, should be set back at grade to create wide boulevards that accommodate pedestrians, street trees and landscaping, and active at-grade uses. A 6.0 metre boulevard measured from curb is preferred, except where existing conditions preclude. The intent is that a road widening will not be required to specifically achieve this guideline.*
d. *On sites with multiple towers, mid-block pedestrian connections should be provided through the podium to enhance permeability, break-up the podium, and create additional corner conditions.*
e. *Where windows are proposed within the podium, an 11-metre separation distance shall be provided between adjacent buildings. Where no adjacent buildings exist, a 5.5 metre setback is appropriate. Where a continuous streetwall is desirable, no side-yard setbacks are necessary. Continuous street walls are generally desirable, except where special site or block conditions require breaks to access mid-block connections, public courtyards, or other open spaces.*
f. *Buildings can cantilever over side yard setbacks to create a weather protected mid-block connection, public courtyard, or other public open space. Buildings can cantilever above: a) a grade level height of 4.5 m or more; or b) above the second floor where the grade level height is less than 4.5 m.*

Podium Height and Massing

a. *The height of the podium, and the tower stepbacks above, should generally reflect the established and planned streetwall subject to the guidelines below. Small variations are encouraged to create a varied streetscape.*
b. *Where no established streetwall exists, the minimum height of the podium shall be 10.5 metres (3-storeys) to frame the streetscape and reinforce a human-scale.*
c. *The maximum height of the podium shall be 80% of the adjacent right-of-way width. A maximum height of 20 metres is recommended to maintain a human-scale.*
d. *The floor-to-ceiling height of the ground floor should be a minimum of 4.5 metres to accommodate internal servicing and loading, and active commercial uses (where permitted).*

Shadows/Sky Views

a. Height and massing of buildings should ensure adequate access to sunlight in surrounding areas in compliance with the Shadow Study Guidelines and Terms of Reference.

Podium Design and Articulation

a. Sides constructed with highest quality architectural design and materials.
b. Materials to reflect intended use and should not mimic other materials, should complement the established character of the street where appropriate.
c. The use of 'heavy' materials (i.e. brick, stone, or metal) used to anchor building.
d. Portions of the podium roof that are not occupied by a tower should be used as outdoor amenity space to provide casual surveillance and interesting views from the street.
e. Large podiums to be visually broken into smaller components. Mixed-use podiums shall reflect multiple retail units, while residential buildings shall provide individual entrances for ground floor units. In the downtown, podiums shall reflect the traditional 7-10 metre lot width.
f. At grade residential units should be set back a minimum of 3.0 metres from street wall. Front yards should incorporate landscaping and enclosure to provide privacy to individual units.
g. Main building entrances clearly demarcated and provide focal point for building design.
h. Architectural elements and expressions, including entrances, windows, canopies, steps, and recesses and projections, should highlight individual units and reinforce a variety of scales and textures within the podium.
i. Within a retail podium, the ground floor shall be predominantly clear glazed to provide visual connections between public and private realm and enhance safety. Similarly, public elements of a residential podium (i.e. lobby, amenity space) shall be predominantly clear glazed.
j. On corner lots, articulation of the podium should acknowledge its important location through corner entrances, chamfering (and associated public space), and/or other architectural features.
k. Mixed-use buildings with retail at grade should incorporate vestibules, frequent building entrances, canopies, and structural overhangs to provide weather protection for the length of the street.
l. Weather protective design should be provided at grade and at the podium level through canopies, arcades, and cantilevers. Canopies located on the ground floor should be at least 1.5 metres deep. Weather-protection elements may encroach in building setbacks and should not encroach into the public right-of-way.
m. Projecting balconies should not be provided in podiums. Inset and/or Juliette balconies are appropriate within the podium.

Site Design, Open Space and Streetscaping

a. Parking, servicing, and loading accommodated internally within podium and screened from the street.
b. Access to parking, servicing, and loading provided from the rear of the building, or a laneway where possible. On corner sites, access may be provided from secondary streets provided the entrance facilities are well integrated into the rest of the frontage.
c. Publicly accessible privately owned open spaces ("POPS"), including courtyards, plazas, and parkettes should be encouraged where appropriate.
d. POPS designed and located to encourage public use, provide connections to the broader open space network, and/or highlight important site characteristics.
e. POPS should be used to provide mid-block pedestrian connections through the site and create short block lengths (80-120 metres).
f. Public art encouraged within tall building sites where appropriate through applicable planning tools. Selection and location of public art should reinforce objectives of City's Public Art Master Plan.

Building Middle (Tower)

Section 3.0 of the TBG provides design direction with respect to the tower component of tall buildings, providing that the middle of a tall building is the most substantial and impactful component. Specifically, the tower section enhances the City's skyline and provides a defining landmark. The design and massing of the tower should recognize and reflect this important role and should designed to minimize impacts on adjacent neighbourhoods, parks, and open spaces. The tower should maximize sky views and access to sunlight through slender floorplates and spacious setbacks between towers.

Tower Location

a. Where multiple towers are proposed on a site, they must be arranged to provide a gradual and appropriate transition in height to the adjacent established or planned context.
b. A minimum separation distance of 25 metres should be provided between towers to maximize privacy and sky views, and to minimize cumulative shadow and pedestrian level wind impacts of multiple tall buildings. Balconies may be provided within this separation distance provided they do not excessively contribute to a building's massing.
c. Where no towers currently exist, proposed towers should be set back 12.5 metres from adjacent property lines to protect for a future 25 metre separation distance (split between each property).
d. The tower should be stepped back at least 3 metres from the podium to differentiate between the building podium and tower, and to ensure usable outdoor amenity space (i.e. patios).
e. For design flexibility, a portion of the tower (i.e. up to 20%) may extend to the edge of the podium without a stepback provided it can be demonstrated that there are no adverse wind and shadow impacts.

Tower Height and Massing

a. Provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent established or planned context. Where multiple towers exist on a site, this transition shall be reflected across the entire site.
b. The tower portion of a tall building should be slender and should not exceed 750 square metres, excluding balconies.
c. The massing of the tower, and its relationship to the building base, must not result in adverse wind effects at the street level.

Shadow/Sky Views

a. The design and placement carefully considered to minimize size of shadows on the opposite streetscape.
b. The design, height, and placement must be compatible with adjacent established residential neighbourhoods, parks, open spaces, or natural areas; or those stated in the Shadow and Pedestrian Level Wind Study Guidelines and Terms of References.
c. The widest edge of the tower generally oriented to minimize the impacts of shadows.
d. A shadow study must be provided with tall building application.

Tower Design and Articulation

a. Articulate the tower, both vertically and horizontally, to create visual interest and encourage unique designs.
b. All sides constructed with highest quality architectural design and materials.
c. Lighter materials, such as glass, are encouraged in the design to minimize perceived mass.
d. Heavier materials, such as metal, brick, or stone should be used to define unique components within the tower and/or to create vertical and horizontal articulation.
e. Balconies are encouraged within the tower to provide amenity space and additional articulation. They may be inset or extruding but should be a minimum of 1.5 metres to provide usable outdoor amenity space.

Building Top

Section 4.0 of the TBG provides design direction with respect to the tops of tall buildings and provides that the top of tall buildings defines the tower and helps distinguish a unique and interesting skyline. Specifically, a variety of elements, including stepbacks, material variations, lighting, and other architectural elements can be used to reinforce a strong presence at the top of the building. Where possible, rooftop amenity space is recommended to create activity at the upper levels of the building. Structural elements, such as the mechanical penthouse and elevator shafts should not be visible from ground level.

Rooftop Design and Articulation

a. Design upper floors to clearly distinguish top of building from tower to further reduce the building profile, and to achieve distinct skyline.
b. Where the design of the tower itself is unique, and creates an interesting and varied skyline, a clearly distinguishable top may not be required.
c. Where located at a gateway intersection or terminating view, the tower top is encouraged to act as a recognizable landmark with signature features defining its importance.
d. Where possible, outdoor amenity space should be included within the top of the building, including balconies and patios, terraces, rooftop gardens, pools, etc.
e. Decorative lighting could be included within the tower design but over lighting or up lighting should be avoided.

Mechanical Penthouse

a. Rooftop mechanical equipment sized, located, and screened from view.
b. Where possible, rooftop mechanical equipment wrapped by residential units, or other occupiable space (i.e. amenity areas).
c. Rooftop mechanical equipment should be stepped back on all sides, no less than 3 metres from the edge of the floor below. Equipment should be screened from view.

For the reasons set out below in Section 5.0 of this report, we are of the opinion that the proposed development is in keeping with the City's Tall Building Design Guidelines.

4.14 Sustainable Building and Development Guidelines (April 2019)

The purpose of the Sustainable Building and Development Guidelines is to encourage sustainable design approaches through Planning Act applications, in keeping with the City's declaration as a sustainable community, and in alignment with Burlington's Strategic Plan 2015-2040.

The guidelines address sustainability approaches related to site design, transportation, the natural environment, water, energy and emissions, waste and building materials, and maintenance, monitoring, and communication. The guidelines serve as a comprehensive checklist of various sustainable design, construction, and operation approaches, while the checklist is enabled by the Sustainable Design policies of the Official Plan and is meant to be a tool to encourage voluntary sustainable development practices and to highlight required sustainability measures as identified in the Official Plan, Zoning By-law, and other city by-laws.

Of the required sustainability measures outlined in the Sustainable Building and Development Guidelines, only 5 pertain to Official Plan and Zoning By-law Amendment applications. Those measures consist of site connections; bicycle storage (provided in accordance with Zoning By-law policy); stormwater quality with respect to stormwater runoff; urban heat islands which requires vegetated landscape areas in hard surface areas; and waste management plans to provide and implement waste management practices in accordance with Regional requirements. It is anticipated that the proposed development will meet all required sustainability measures outlined above.

4.15 Downtown Streetscape Guidelines (September 2019)

The 2019 Downtown Burlington Streetscape Guidelines (the "DSG") were established to replace the previous Downtown streetscape guidelines that were adopted by Council in 1982. The new guidelines, which take into account the ever-changing Burlington streetscape, establish a new vision, framework, and set of design principles and strategies which will provide for the consistent application and renewal of the various Downtown streetscapes.

The DSG is intended to assist staff, landowners, developers, and the public by providing both general and area-specific design direction for all Downtown Burlington. Section 2.2 of the DSG provides the design principles that will guide and support the creation of an accessible, walkable, and attractive public realm. These principles include; Pedestrian-First Focus; Green and Sustainable; Easy to Use and Equitable; Long Lasting; Connect and Integrate.

Furthermore, Section 2.3 speaks to Character Areas, and characterizes the Downtown into specific streets and areas. The DSG identifies the subject site as being located along the Lakeshore Road character street within a 'Mixed-Use Commercial' district.

Lakeshore Road provides a key point of entry into the Downtown and together provide the anchor for many businesses, civic, and entertainment activities and interests. While the neighboring lands have helped to support and reinforce the character and function of the two main streets, they have emerged as two distinct districts; and the 'Mixed-Use Commercial district is characterized by a mix of business and higher density residential buildings.

The proposed development is intended to compliment the priorities of the DSG through a design which prioritizes pedestrians, maximizes opportunities for street trees, support lively sidewalks, and provide balanced space for people and trees. For the reasons outlined below in Section 5.0 of this report, in our opinion, the proposed development does compliment the priorities as outlined in the DSG.

4.16 Shadow and Pedestrian Level Wind Study Guidelines (June 2020)

The City of Burlington retained Brook McIlroy Inc. to assist with the creation of the Shadow and Wind Studies. The Community Planning, Regulation and Mobility Committee approved the Shadow and Pedestrian Level Wind Study Guidelines and Terms of Reference (PL-08-20) and was given final approval by Council on June 22, 2020.

The purpose of the Shadow Study Guidelines (the "SSG") is to provide a best practices approach to Shadow Studies in order to promote high-quality development proposals that ensure adequate access to sunlight is maintained for the enjoyment of public and private spaces. The SSG states that the document should be used by the development community to inform development proposals within the City of Burlington and that the document is a tool for City Staff to be used in the review and evaluation of development applications.

Shadow Study Guidelines

Section 2.0 of the SSG states that shadow studies are generally required for development proposals with building heights of 5- storeys of more. Section 3.0 speaks to the methodology for the Shadow Study and provides that the required dates and times for the studies will vary depending on the specific Shadow Impact Criteria. Section 3.0 further provides study date times which include the solstices, June 21, and December 21 as well as the equinoxes, March 21, and September 21; study test times, ranging every hour on the hour from 8:00 to 19:00; and the time zone, which states that all studies must be in the eastern time zone, with criteria for Standard and Daylight-Saving Time.

Section 4.0 of the SSG provides the shadow impact criteria related to the studies. It notes that the criteria cannot be applied universally due to unique site specific and surrounding built form and land use attributes. Five unique Shadow Impact Criteria have been developed to respond to desired uses, and, as such, each area will include unique evaluation criteria with different times, dates and standards as noted in the SSG.

Key Civic and Cultural Spaces

Proposed developments should not cast any net new shadows on Key Civic and Cultural Spaces between 10:00 and 16:00 on the following dates:

- March 21; and.
- September 21.

Key Civic and Cultural Spaces include but are not limited to:

- Civic Square (426 Brant Street)
- Elgin Promenade Square (391 Brant Street)
- Spencer Smith Park (1340 and 1400 Lakeshore Road)

The purpose of this criteria is to protect Key Civic and Cultural Spaces from new shadowing that would impede their use and enjoyment and recognize the importance of maximum sunlight on these identified landmark sites in Burlington.

Private Outdoor Amenity Spaces

To maximize the usability of private outdoor amenity areas such as rear yards, decks, and (rooftop) patios, including common outdoor amenity areas, shadows from proposed developments should not exceed 2 hours in duration, between 09:00 and 18:00 on:

- March 21

Where existing shadows limit access to sun during the times above, net new shadows resulting from proposed buildings should allow a minimum amount of sunlight to reach nearby private residential outdoor amenity areas, including common outdoor amenity areas, between the hours of 9:00 and 18:00 on the specified day. The criterion is met if the Sun Access Factor is at least 0.22 on each of the test dates

Parks and Open Spaces

Shadows cast by all existing buildings and proposed developments onto lands designated or used for Parks and Open Spaces must allow for either: a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during the specified periods.

- March 21st (09:00 to 18:00);
- September 21st (09:00 to 18:00); and,
- December 21st (11:00 to 15:00).

The purpose of this criterion is to ensure adequate access to sunlight at all times of the year. December 21st is included to encourage the use of lands designated or used for Parks and Open Spaces during the winter season. The criterion is met if the Sun Access Factor is at least 0.50 on each of the three test dates.

Places Where Children Play

On the following dates, shadows cast by all existing buildings and proposed developments onto places where children play including but not limited to school yards, playgrounds, and park features such as wading pools or other outdoor shadow-sensitive activity areas as identified by the City of Burlington, must allow for either a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times during the specified periods.

- March 21st (09:00 to 18:00);
- September 21st (09:00 to 18:00); and,
- December 21st (11:00 to 15:00) - applies to school yards and playground areas only.

The criterion is met if the Sun Access Factor is at least 0.50 on each of the three test dates.

Public Realm and Sidewalks

On the following date, shadows cast by all existing buildings and proposed developments onto the full extents of the boulevard and sidewalk on the opposite side of the adjacent right-of-way, must allow for either a) full sunlight 50 per cent of the time; or b) 50 per cent sun coverage at all times between 09:00 and 18:00 on:

- March 21st

The criterion is met if the Sun Access Factor is at least 0.50 for the specified date

Section 5.0 of the SSG further provides mitigation measures for when shadow impacts are considered unacceptable. These measures include:

- Lot assembly;
- Reducing building footprint;
- Building massing adjustments;
- Reduction in building height; and.
- Building placement and orientation.

In support of the subject proposal, we have submitted a Shadow Study that provides a review and analysis of the proposal against the SSG and concludes that the proposed building achieves the intent and purpose of these guidelines. A summary of the results of that study is included in Section 5.5 of this report.

Pedestrian Level Wind Study Guidelines

The purpose for a Pedestrian Level Wind Study (the "PLWS") is to predict and assess the wind impacts of proposed buildings and site designs on surrounding public and private spaces in addition to on-site wind conditions. Section 1.2 of the PLWS provides that this document should be used by the development community to inform development proposals within the City of Burlington and that this document is a tool for City Staff to be used in the review and evaluation of development applications.

Section 2.0 of the PLWS provides the triggers for a wind study and include; building height; number of buildings; site location; and site area. Section 3.0 of the PLWS speaks to the methodology of the study and includes wind data collection; qualitative assessment; and quantitative assessment.

Section 4.0 speaks to wind impact criteria and states that "to evaluate wind impacts, the public realm context surrounding a proposed development is evaluated based on various intended uses in outdoor spaces within the boundaries of, and in proximity to the proposed development."

Section 4.2 of the PLWS provides five comfort criteria that are used when analyzing the proposed development and include: Sitting; Standing; Leisurely Walking; Fast Walking; and, Uncomfortable. Descriptions used in the Pedestrian Wind Comfort Criteria are to be applied to specific locations on and around a proposed development site, based on the intended use of each space.

Section 5.0 of the PLWS provides mitigation measures that can be used when wind conditions are considered unacceptable. These wind control measures may include:

- Building massing adjustments or alternative designs that are more responsive to the local wind climate;
- Incorporating podiums, tower setbacks, notches and/or colonnades;
- Strategic implementation of canopies, wind screens, façade elements, landscaping, planters, public art and/or other features that prove to be effective for mitigating problematic wind conditions; and,
- Modifications to the proposed function of an area.

In support of the subject proposal, we have submitted a Pedestrian Wind Level Study that provides a review and analysis of the proposal against the guidelines and concludes that the proposed building passed the wind safety for both the existing and proposed configurations at all locations. A summary of the Pedestrian Wind Level Study is included within Section 5.5 of this report.



5 Planning & Urban Design Analysis

5.1 Pre- Application Consultation

Community Consultation

On September 8, 2021, a virtual pre-application community meeting took place for the subject proposal. As part of the community meeting, City staff outlined the process and existing planning framework, while the applicant's consultant team presented a conceptual proposal for the site. The proposal was similar to what is proposed now in Section 3.0 of this report with respect to height and density and some revisions were made to address specific design-related comments from the public. The following is a summary of the comments and concerns that were raised by the public:

General Comments

- Several comments spoke to how the development could be stopped in general, and as an alternative, have the City acquire the subject site for a public use.
- Several comments spoke to having the developer adopt the concept plans (Concepts 1 and/or 2) that arose from the Waterfront Hotel Planning Study, as described above in Section 4.10 of this report.
- Several members of the public called in express their support of the proposed redevelopment concept and inquired as to when they could move in.

Building Height and Built Form Impacts:

- Several comments were received regarding the proposed building heights, indicating that it was too tall for the area, with the public expressing that the proposal should respect the 22 to 25-storey concepts developed through the Waterfront Hotel Study.
- The public raised concerns that the proposal does not suit the character of the neighbourhood.
- Public was concerned of creating a building wall that will block the view of the Lake.
- Some residents expressed their satisfaction with the proposed design, stating that the design "looks amazing".
- Concerned about shadowing and maintaining the sunlight on their neighbouring properties.
- One comment referencing ignoring the proposed move of the Urban Growth Centre to north of the Downtown.
- The public wanted to understand how the design arrived at 30 and 35 storeys (i.e. what was the rationale process).
- Wanted to know if there are any plans for a green roof component.

Traffic and Parking

- Concern regarding lack of parking downtown, proposal would further create parking to be less sufficient, especially during special events.
- Concerns were raised over the traffic flow that the proposal will yield.
- Concerns over congestion along Lakeshore Road.
- Concerns of additional vehicle trips and how those vehicles could create traffic that may impede emergency vehicle response times.

Timing of Construction & Construction Management

- Questions regarding the timing of construction and how long the disruption will take.

Burlington Urban Design Panel Meeting

On August 19, 2021, the applicant's consultant team presented a conceptual proposal for the subject site to the Burlington Urban Design ("BUD") Advisory Panel ("the Panel"). Again, the proposal was similar to what is proposed now in Section 3.0 of this report with respect to height and density, and some specific revisions have been made to help address comments made by BUD Panel members. City Staff sought the Panel's advice on three main themes. Note that throughout the comments reference is made to the "atrium", which is actually a reference to the proposed breezeway, and was a simple terminology mistake. The following is a summary of Staff's three questions and the Panel's advice:

Context

Please comment on the integration of the proposed development with its surroundings including: streetscaping on Lakeshore Road and Elizabeth Street and interface with Spencer Smith Park to the west and south.

The Panel provided the following comments with respect to the overall context of the site and the proposed development within the Downtown at the waterfront:

- Taller heights and densities with a broad mix of uses are warranted at this site given its prominent location.
- Overall, the Panel felt that the proposed building is too large for its context, and that the height, massing, proportions and scales of the podium and towers should be re-evaluated.

It is noted that the consulting team has no recollection of this comment as it is written above. As such, a request was submitted which re-word the statement to reflect, what was felt to be more indicative of the comments made during the Panel meeting, specifically:

> *The Panel felt that the shape of the towers should be reviewed from different viewsheds in order to ensure they don't appear too bulky. In addition, the height, massing, proportions, and scales of the podium should be re-evaluated in the context of their comments below.*

It is further noted that City staff did not redact the comment about the building being too large for its context and remains a point of objection for the record. The panel provided the following additional comments:

- More transparency overall in the ground floor plane, with more open semi-private spaces, should be provided.

With respect to the context of Lakeshore Road and John Street, the panel commented as follows:

- The height and length of the podium is too large for the Lakeshore Road and John Street context.
- The podium height could be reduced in consideration of the surrounding context. Existing buildings on the north side of Lakeshore Road range in height from 1- to 2½-storeys and include heritage buildings that should be considered. A reduction in height would further help with integration.
- Recommended that the atrium be replaced with an open-air area and that more articulation be incorporated.
- The Lakeshore Road streetscape was noted as being well-done with the triple row of trees, extensive setback, and opportunities for patios.
- Concerned that atrium would cast shadows onto Lakeshore Road and obstruct views from John Street.
- Consider replacing atrium with an open-air corridor.
- Proportion and scale of the towers appear inconsistent between drawings. Proportional balance needs to be struck between the narrow and broader sides of the towers.
- Appropriate tower placements should be provided to mitigate built form impacts such as shadowing on Brant Street.

With respect to transitions to Spencer Smith Park and the Waterfront Trail, the Panel offered the following comments:

- Appropriate transitions to Spencer Smith Park and the Waterfront Trail are currently lacking.
- Existing path along the west side of the property, as well as Brant Street and the Waterfront Trail are busy pedestrian corridors.
- Opportunity for the west side of the site to provide a stronger connection to park and trails.
- Recommended that the building setback adjacent to west interface be increased, the façade treatment better articulated, and open space landscaped to create more of a public realm and transition to the existing open space.
- Instead of a podium-tower condition on this side, the tower could be brought all the way down to the ground plane as an iconic vertical element (no podium) to provide interest and the podium could be replaced with landscaping. It was noted that the west tower appears to have significant shadow impacts on Brant Street, and that the view down Brant appears to terminate at the towers. Relocating the west tower can also help address these issues.
- Consider providing 180-degree views from the central area (between the podium) by extending it south of the podium.
- Underground parking should be designed to protect the context of the park by allowing for mature trees.

With respect to Transitions to Elizabeth Street, the Panel offered the following comments:

- Elizabeth Street is a prominent frontage for the Bridgewater development to the west of the site, and the proposed height, location and orientation of towers should be carefully reviewed for their shadow impacts on Elizabeth Street.
- Agreed that locating back of house activities for the subject site off Elizabeth makes sense but cautioned that it should be carefully treated to support what is being achieved at Bridgewater.
- Elizabeth Street itself could be specially treated to signal to vehicles that it is a pedestrian area.

Public Realm Access and Connectivity to the Public Park and Lake

Please comment on the proposed atrium at the foot of John Street, with consideration for bird-friendly design, the preservation of public views from John Street to Lake Ontario, and the objective of maintaining and enhancing public access to the waterfront.

With respect to access to the public realm and connectivity to Spencer Smith Park and Lake Ontario, the Panel offered the following comments:

- The atrium is appreciated but does not provide a true visual corridor between John Street and the waterfront because of its glass reflections and pinched width.
- For the atrium connection to succeed as a physical public connection, it is important that it feels like a public space. An open-air connection is recommended instead.
- Consider designing atrium to provide more vertical articulation in the podium and give the podium an appearance of two separate buildings.
- Appreciated the detailed submission package, with proposed streetscape design along Lakeshore Road and setback of underground parking to allow for the preservation and growth of mature street trees.

Architectural Design and Design Excellence

Please comment on the design of the proposed buildings, with consideration for the landmark location of the site and the need to achieve compatibility with surrounding context, as well as the proposed arrangement of uses and location of building entrances.

With respect to architectural design and overall design excellence, the Panel, provided the following comments:

- Buildings are beautifully designed and achieves the goal for an iconic design.
- Buildings work well with the shape and curve of the pier.
- Massing of the buildings should be reviewed from multiple angles. The towers appear bulky from certain angles.

- Concerned about the sustainability of the building. Considering climate change, buildings made of mostly glass are no longer a sustainable option.
- Sustainable stormwater management features are important.
- Opportunity to take advantage of the location of the site within the cultural centre of Burlington by incorporating public art, designed with public input (e.g. unique vertical elements such as colorful large-scale windows or a mural up one side of the building and an object at scale at the foot of John Street.

Location & Amount of Outdoor Amenity Spaces

Please comment on the proposed amenity areas (rooftop and at grade) with attention to opportunities for publicly accessible spaces.

With respect to the location & amount of outdoor amenity spaces the panel provided the following comments:

- Much of the outdoor space between the podium is devoted to access ramps and stairs down to the park. Consider increasing the upper/lower plaza space and provide an elevator down to park level instead.
- Proposal introduces a lot of new residential units, which will need to be balanced with a lot of amenity space and different uses.
- Recommended providing a porous interface with the park, rather than having a harsh boundary between public and private space, through measures such as incorporating some semi-private spaces and a variety of outdoor amenity spaces.
- More access through podium to the park should also be considered.
- Focus should be placed on the edges of the building and the public realm to ensure that the design reflects its unique and special location.

Responses to Pubic and BUD Panel Comments

Based on the comments received from the pre-application community and BUD meeting, we note the following in response:

General Comments

With appeals, either privately or by the City, there are certain rights that property Owners, developers, citizens and municipalities have under the Planning Act, R.S.O. 1990, c. P.13 ("Planning Act") and the Ontario Land Tribunal Act, 2021, S.O. 2021, c. 4, Sched. 6 ("OLT Act"). Once a formal application has been submitted, there is a statutory process that unfolds which follows the steps and timelines as set out in the Planning Act and its regulations. Generally, at a time of decision, or in the event a municipality fails to make a decision within the established timeframes, an appeal can be made to the Ontario Land Tribunal (OLT). The OLT hears and decides appeals and matters related to land use planning, environmental and natural features and heritage protection, land valuation, land compensation, municipal finance, and related matters. The OLT was established on June 1, 2021 under the authority of section 2 of the Ontario Land Tribunal Act, 2021.

The OLT and all who work within it are committed to providing access to justice and to high quality, independent, timely, fair and principled resolutions of the matters brought before them. OLT services support strong, healthy communities and the public interest.

Built Form, Height, and Context

In our opinion, the subject site is in an area that is planned for intensification and change. As described in Section 5.2 and 5.4 of this report, it is our opinion that the proposed heights of 35 and 30 storeys are appropriate and aligns with both the in-force Official Plan and the New Official Plan's vision of a high density, compact, and transit supportive Downtown. Furthermore, the 14 to 18-storey and 20 to 25-storey tower heights as proposed in the Waterfront Hotel Planning Study, and the surrounding heights in the new Official Plan are, in our opinion, arbitrary

height limitations that have changed several times through both projects and not based on a comprehensive Downtown built form structure evaluation that considers development on individual properties. In addition, the D-2 height map in the New Official Plan seems arbitrary, as it applies only the secured heights granted through applications (some of which were approved via decision by the Ontario Land Tribunal), and the remaining distribution and height allocations are mixed from 3 storeys up to 22 storeys with no real continuation or transition areas.

The subject site is extremely unique to the Downtown Core due to its location at a prominent intersection at the foot of the Downtown, its proximity to the Downtown Burlington Bus Depot (which is an MTSA), adjacency to several other tall buildings (as shown in **Figure 5**- Height Map), as well as its location in proximity to Lake Ontario, which allows for views of not only the lake but the entire shoreline extending from Toronto to the Niagara Region.

We recognize that it is not intended that a broad-ranging planning document like an Official Plan reviews the detailed redevelopment characteristics and capabilities of each and every site within the planning area.

With respect to the views of Lake Ontario from the street. The podium has been designed with good urban design objectives in mind and has adopted many of the building base design elements as provided for in the City's Tall Building Guidelines. Specifically, the podium has be located close the street edges so as to frame both Lakeshore Road and Elizabeth Street, creating an improved streetwall with new active uses. In this regard, the building base has been set back far enough from the street to create a wide boulevard (greater than 6.0 metres in most locations along Lakeshore Road) to accommodate pedestrians, street trees and landscaping.

As well, since the proposed development is to consist of 2 towers, we have introduced a mid-block connection through the site via a 4-storey breezeway, which provides direct pedestrian access from the foot of John Street to Spencer Smith Park, the Waterfront Trail, and Lake Ontario. The breezeway also provides for an open-air space and a view through the development, helping to offset the massing of the podium and providing a human-scale space within which to interact and enjoy the outdoors in covered comfort. In addition, extra transparency has been added to the ground floor plane, with more open semi-private spaces, on the 2nd floors where people can enjoy a landscaped, elevated outdoor area, open to the elements.

With respect to the proposed towers, the proposed floor plates do not exceed 750 square metres (excluding balconies), and are therefore, in keeping with the City's Tall Building Guidelines. Furthermore, the proportions and scales of both the podium and towers were re-evaluated in an effort to provide additional articulation to the towers and podium. Specifically, the west tower was moved slightly to the east in order to increase the setback from the western property line / interface and increase the stepback from the western podium edge. Although the west tower was translated slighting east, the towers maintain a minimum separation distance well beyond the 25 metres as provided in the City of Burlington Tall Building Guidelines. The proposed tower separation distance of approximately 41.8 metres will maximize privacy and sky views, and to minimize the cumulative shadow impacts of multiple tall buildings. As well, at level 6, the top of the breezeway has been designed with a green roof component. The green roof will help mitigate the urban heat island effect, will provide additional space for wildlife, and will act as a pedestrian connection between the towers and a space from which to enjoy the outdoors.

In addition, the shape of the towers was reviewed from different viewsheds to determine whether their massing is compatible with the surrounding area. These viewsheds have been prepared by NEUF Architects and are submitted as part of the complete application package. In our opinion, the viewsheds show that the towers' heights and massing provide a gradual and appropriate transition in height to help mitigate potential impacts on the adjacent context, which is reflected across the entire site.

The proposal has been designed and analyzed in detail by a multi-faceted profession team. Further to the completion of the detailed analysis that has been completed, we are satisfied that the proposed development is appropriate, does not create unacceptable adverse impacts and is compatible with the surrounding existing and planned context. This is discussed in more detail in the following sections of this report and the supporting urban design rationale.

Public Realm Access, Connectivity, and Amenity Spaces

In our opinion, the proposal appropriately responds to the public realm, namely Lakeshore Road at the foot of Brant Street and John Street, and Elizabeth Street. In this regard, an appropriate setback is provided along both Lakeshore Road and Elizabeth Street that will include enhanced streetscaping elements with landscaping and street trees as well as a 5 to 6-storey base building that frames the street with active uses.

The breezeway has been designed as a privately-owned publicly accessible space, and in our opinion, provides for a true visual corridor between John Street and the waterfront because of its placement and angled shape when looking south from John Street through it. In addition, the breezeway acts as a physical connection directly to the Waterfront Trail and Spencer Smith Park and has been designed to feel like a public space, with outdoor seating, landscaping, and accessible access features to account for the grade changes. Although the breezeway is covered at the 5th level, this weather protective design is limited to the Lakeshore Road portion of the site and towards the centre of the site and is open to the air thereafter. The open-air component from the centre of the site to the south provides additional space within both the public and residents can interact and enjoy the weather.

Lastly, the proposed streetscape design along Lakeshore Road and the use of underground parking provides for the preservation and growth of mature street trees on site, and when coupled with the landscaping proposed, creates a unique visual interest around the site and an enhanced greenspace.

Traffic and Parking

Access to the subject site is constrained to Elizabeth Street only, with the entrance to the underground parking being provided in the southeast corner of the site away from the active uses along the street and at the terminus of Elizabeth Street.

In response to the concerns raised regarding traffic and parking, a TIS/Parking Study was prepared by Paradigm Transportation Solutions Limited ("Paradigm"). Their report concluded that, overall, the proposed development is projected to generate approximately 304 new vehicle trips during the weekday AM peak hours and 340 new vehicle trips during the weekday PM peak hours. However, the anticipated vehicle operational impacts, whether delay- or queuing-related, can be mitigated the design of the site which includes enhanced walkability measures (e.g. wide boulevards and the breezeway connection) and active transportation connections (e.g. direct connection to the Waterfront Trail and bike lanes along Lakeshore Road). Furthermore, the resulting increase in traffic can be accommodated within the existing road network, and much of the congestion that may appear in the network is due to regular ongoing growth. Additional information related to traffic and parking is provided in Section 5.7 of this report, and in the transportation, report provided by Paradigm.

Design Excellence

The development has been designed with the highest quality of architectural design and materials. The materials selected reflect their intended use, do not mimic other materials, and complement the established character of the street.

The development has also contemplated the incorporation of public art, with the roof of the 4-storey breezeway being decorated in a colorful mosaic pattern, and boulevards wide enough (especially along lakeshore and the western edge) to accommodate at-grade art installations.

The development will provide for a more positive relationship with its prominent location at the foot of the City's Downtown along the waterfront and brings prominence and vitality to the streetscape and public realm along Lakeshore Road and Spencer Smith Park. The vision for the proposal is to redevelop and urbanize this prominent site with a pedestrian-oriented and street-related built form that is porous and true mixed-use buildings that blur the lines between the public and private realms.

In addition, a Shadow Study was prepared by NEUF Architects to assess the shadow impact of the proposal on the surrounding properties and public realm based on the criteria outlined in the Shadow Study Terms of Reference. The study determined that there will be no unacceptable shadow impacts on key civic spaces, private outdoor amenity spaces, parks and open spaces, places where children play and public realm and sidewalks.

The proposed development scheme will provide an urban design response that is respectful of the existing character of the streetscape with a well-considered approach to its general built form and architecture. Further, the proposal will create a public realm at grade supportive of its purpose by providing strong built form relationships to adjacent streets and park, which are animated and engaging.

5.2 Intensification

Residential intensification on the subject site is appropriate and desirable and is in keeping with the policy framework set out in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Halton Regional Official Plan and the OP. Each of the noted policy frameworks promote intensification, redevelopment of underutilized lands, and a compact built form. Furthermore, these policies direct intensification towards areas that are appropriately serviced by existing infrastructure, more specifically public transit. The proposed tall building will help achieve the policies laid out in the Growth Plan, Regional Official Plan, and the evolving OP.

Following the above noted policy framework, it is important to ensure that lands which are well suited for intensification are utilized to their highest and best use. The subject site is located in an area where it will be able to implement policies set out forth in the PPS, which include intensification, redevelopment, and creating a heathy community. Policy 1.1.3.1 and 1.1.3.2 of the PPS indicate that Settlement Areas are to be the focus of growth and development as well as promoting densities and land uses that efficiently use land, resources and infrastructure. In addition, policy 1.1.3.6 of the PPS states that new development taking place in designated growth areas shall have a compact form, a mix of uses and densities that allow for the efficient use of the land.

The proposal conforms to the Growth Plan policies, specifically the intensification policies that direct growth and intensification to settlement areas that consist of built-up areas, strategic growth areas such as the Downtown Urban Growth Centre, and locations with existing or planned transit, with priority on higher order transit. Furthermore, as the subject site is located within the delineated built-up area, the Growth Plan policy states that this is the area where 50 percent of residential development shall occur annually. The proposal will assist in implementing this policy by providing residential development within the City of Burlington's built-up area. Policy 2.2.3(1) of the Growth Plan also speaks to Urban Growth Centres and how they shall be planned to accommodate significant population

and employment growth. The proposal allows for an increase in the housing stock which will help accommodate the added population within the Urban Growth Centre. Additionally, Halton Region is not achieving the population targets that were established in the Growth Plan and the proposed intensification will help the City and Region achieve the target within a strategic growth area, being an urban growth centre, as well as a major transit station area.

The proposed development is also supportive of many policies stated within the ROP relating to mixed-use intensification. Policy 80 of the ROP refers to intensification areas as part of the Urban Area which consists of Urban Growth Centres, Major Transit Station Areas, Intensification Corridors and Mixed-Use Nodes. The subject site is within the Urban Growth Centre and a major transit station area. Policy 81(1) of the ROP further provides that it is the policy of the Region to direct development with higher densities and mixed uses to Intensification Areas, such as Urban Growth Centres. The proposal adheres to this policy by providing a higher density form of mixed-use development to an area which can support it.

The ROP goes on to further provide policies explaining that intensification areas are to provide an urban form, promote live-work relationships, foster social interaction, reduce travel by private automobile and promote active transportation, and to be more environmentally sustainable. The proposal implements these policies in a number of ways, specifically by creating a compact urban form of development, consistent with approved and proposed developments within the surrounding area and creates social interactions by increasing densities which encourages community involvement. The proposal also provides a more environmentally sustainable form of development by increasing the density, meeting provincial intensification targets and redeveloping already developed underutilized lands which limits the need for urban sprawl. The proposal would further promote the use of active transportation and the reduction of travel by private automobile by providing a higher concentration of people in a mixed-use area with nearby amenities that will help utilize the existing transit options in an area that can accommodate such.

In addition to the above-mentioned policies, policy 78(4) of the ROP provides that a diverse and compatible mix of land uses, including residential and employment are to be provided to support neighbourhoods and policy 78(9) to achieve higher densities than the surrounding areas. The proposal meets these policy directions by providing a new mixed-use building, which will provide at-grade retail and service commercial uses and new residential apartments in an intensification area and in a development form that is compatible with the surrounding context.

The Region of Halton is currently undertaking its Five-Year Official Plan Review, which was initiated on April 16, 2014. The Growth Scenarios Report prepared by Hemson Consulting et al, dated June 2019, stated that meeting Growth Plan intensification policies will require a shift in housing patterns in the Region, away from single-detached houses and towards apartment forms, given that a relatively high proportion of households will continue to be families, which have historically preferred ground-related housing, the report commented that achieving this shift in Halton will pose a challenge. The report forecast that Burlington's population will increase from 195.500 in 2021 to 219,900 in 2031 and 236,800-243,700 by 2041 (Scenario A). The population range for Scenario B is slightly higher (245,200- 247,700). Virtually all of the new growth in Burlington is anticipated to be within the built boundary (93% from 2021-2031 and 92% from 2031-2041), amounting to 10,500 units from 2021-2031 and 7,670- 9,190 units from 2031-2041. This calculates to approximately 1,000 units per year through intensification for the next 20 years. In comparing these projections to the in-force ROP, it means that amount of intensification will have to almost double from current targets (530-540 units per year). Based on the foregoing, it is our opinion that additional emphasis will be placed on the need for intensification and density in the Downtown.

As mentioned previously, the subject site falls within a defined strategic growth area, as it is located within the Downtown Urban Growth Centre and the downtown. Therefore, it is our opinion that the subject site is well situated and planned to accommodate a higher density development and intensification. In addition, the subject site is located within a major transit station area and well served by public the transit infrastructure.

Although the OP is outdated and has not been updated to reflect the current or previous Growth Plan documents, it does have a policy framework that encourages residential intensification. The policy framework directs growth to underutilized parcels of land in existing communities, specifically to the downtown mixed-use centre, and encourages a broader mix of residential dwellings, development that is planned with consideration of all forms of travel, to be supportive of safe pedestrian and vehicle movement, and to encourage infill re-development. The housing intensification policies encourages residential intensification and provides criteria (Policy 2.5.2(a)) that are to be considered when evaluating intensification within the established neighbourhoods, which includes:

"(i) adequate municipal services to accommodate the increased demands are provided, including services as water, wastewater and storm sewers, school accommodation and parkland;

Response: A Functional Servicing Report was prepared by S. Llewellyn & Associates Limited. The report concludes that the proposed development can be constructed to meet the requirements of the City of Burlington and Halton Region. School accommodation parkland will be reviewed through the circulation of the subject applications to the relevant school boards and city departments.

(ii) off street parking is adequate;

(iii) capacity of the municipal transportation system can accommodate the increased traffic flows, ingress and egress, and potential increased traffic volumes to multi-purpose, minor and major arterial roads, and collector streets;

Response: Paradigm Transportation Solutions Limited prepared a Transportation Impact Study, which concludes that the proposed development provides sufficient off-street parking and that the existing transportation infrastructure in the area can adequately accommodate the traffic volumes projected to be generated by the proposed development.

(iv) the proposal is in proximity to existing or future transit facilities;

Response: The proposed development is within walking distance to the John Street Downtown Burlington Bus Depot (approximately 140 metres) and approximately 2.13 kilometers to the Burlington GO Station as well as well served by Burlington Transit.

(v) compatibility is achieved with the existing neighbourhood character in terms of scale, massing, height, sitting, setbacks, coverage, parking, and amenity area so that there is a transition between existing and proposed buildings;

Response: As discussed further in this report, it is our opinion that the proposal is compatible and harmonious with the existing neighbourhood character.

(vi) effects on vegetation are minimized, and appropriate compensation is provided for significant loss of vegetation, if necessary, to assist in maintaining neighbourhood character;

Response: Some of the existing vegetation on the subject site is proposed to be removed, while some of the vegetation will be retained. These removals and retentions are discussed and shown on the proposed landscaping plans, which include new and enhanced streetscaping. The street trees within the City-owned portion of the Lakeshore Road allowance will be maintained as is.

(vii) significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas are at an acceptable level;

Response: As discussed further in this report, it is our opinion that the sun-shadowing created by the subject proposal on adjacent properties and their outdoor amenity areas is at an acceptable level.

(ix) capability exists to provide adequate buffering and other measures to minimize any identified impacts;

Response: As discussed further in this report, it is our opinion that the proposal is compatible and fits harmoniously with the existing neighbourhood character and any built form impacts have been adequately addressed.

In our opinion, the subject site is underutilized in its current form. Mixed use intensification on the subject site will more efficiently utilize and optimize the use of land and infrastructure by providing new housing in a transit-supportive and compact built form, directly supporting the policy framework laid out in the PPS, Growth Plan, ROP and in-force Official Plan, all of which seek to integrate land use and transportation planning in identified intensification areas. The optimization of density on the subject site is consistent with both good planning practice and overarching Provincial, Regional, and City policy direction, subject to achieving appropriate built form relationships.

5.3 Land Use

The proposed mixed-use buildings are appropriate and desirable and conforms to the overreaching policies found in the PPS, Growth Plan, Regional Official Plan, and the OP, which seek to utilize and optimize the use of land and infrastructure in a transit-supportive way.

The proposal conforms to the policies laid out in the Growth Plan as per Section 4.3 above. Policy 2.2.1(3)(c) directs municipalities to manage forecasted growth in a manner that provides an urban form that will optimize infrastructure, more specifically along transit and transportation corridors and to support complete communities. The proposed development will contribute to this policy by providing an urban built form that will optimize the existing infrastructure in an area that is within a mobility hub and walking distance to transportation corridors and the Downtown Bust Terminal, contributing to creating a complete community. Policy 2.2.1(4) further provides that applying the policies of the Growth Plan will support the achievement of complete communities that will feature a diverse mix of land uses, including residential and convenient access to local stores, services, and public facilities, and provides a diverse range and mix of housing options to accommodate people of all ages. The proposal meets this policy direction by providing the community with a range of different housing styles in a compact built form on land that is appropriate for the use. The proposal further implements the policy by providing convenient access to local stores, services, and public facilities by providing a form of housing that is compact and close to existing establishments and multiple transportation options.

The proposed mixed-use buildings conform to the land use policies found in the Region of Halton's Official Plan Regional Structure, more specifically, the Urban Area land designation. As mentioned in Section 4, policy 72 of the ROP provides that Urban Areas are to support a form of growth that is compact and supportive of transit usage and non-motorized modes of travel, reduce the dependence on the automobile, make efficient use of space and services, to provide a range of complete communities of various sizes, types, and character, to promote the adaptive re-use of greyfields, and to facilitate and promote intensification and increased densities. The proposal meets these policy directions by providing a built form with increased density which allows for stronger transit support with a higher concentration of people in one area which will help reduce the dependency on the automobile. The proposal also is helping to create a complete community by providing additional housing types in the form of a compact residential building ranging in unit sizes for different lifestyles as well as commercial amenities and a hotel use.

The OP outlines, in Policy 5.4.1 of Part III that the objectives related to the Mixed-use Centre designation is to provide locations at inter-municipal transit stations and the Downtown that will serve as areas for mixed use developments consisting of high density residential, retail and commercial uses, to encourage higher intensity, transit-supportive, and pedestrian-oriented development, and to permit mixed use developments on individual sites where residential, retail, office and other uses are located. Policy 5.4.2(h) further provides that the design and development of Mixed-Use Centres shall encourage the use of public transit, pedestrian, and bicycle travel as an alternative to the car and Policy 5.4.2(m) provides that reduced parking standards, shared parking and/or on-

street parking may be permitted on Mixed Use Centre lands to reflect the increased intensity of development and the accessibility by transit and other modes of travel. The subject site is situated within the City's Downtown Urban Growth Centre as well as in a major transit station area. The proposal is providing mixed-use development that is transit-supportive and pedestrian-oriented within close proximity to the commercial, employment, entertainment and outdoor amenities in the Downtown core and Urban Growth Centre. The proposal will add to the commercial amenities in the Downtown Core and encourage public transit and pedestrian and bicycle travel as an alternative to the car by offering a compact built form and high concentration of people near multiple transit options in an activity area. The proposal conforms to the Downtown Mixed Use Centre objectives (Policy 5.5.2), since it provides commercial and service commercial uses on the ground level with residential uses above in a compact urban form that provides new housing options and increases the resident population in the precinct. Also, the ground floor commercial and residential lobby maintains an active streetscape, along an already active Lakeshore Road streetscape, and proposes a built form that is compatible with the surrounding area.

The subject site is designated "Wellington Square Mixed-Use Precinct" on Schedule E – Downtown Mixed-Use Centre Land Use Plan. The proposal conforms to the objectives of the Downtown Core Precinct (Policy 5.5.9.1 of Part III), since it provides a high-density development that will help meet provincial growth objectives, to support transit use with architecturally significant buildings that respond to the gateway location, are compatible with the existing development and reinforce the public realm with an appropriately scaled podium.

The proposal conforms with the Wellington Square Mixed Use Precinct policies in 5.5.9.2, since:

- The proposed commercial, residential, and hotel uses are permitted.
- Retail and service commercial uses are provided continuously along the site's public realm frontages.
- The proposed building is at the street line with all parking and loading within the building and below grade.
- The massing and built form of the proposed building is appropriate and the visual, sun shadow and wind impacts are at an acceptable level as demonstrated by the Urban Design Brief.

The OP recognizes that additional height and density are appropriate within the Precinct provided the proposal is compatible with the existing character of the precinct. This is reinforced by policy 5.5.9.2 b), which states that applications for increased heights for mid to high rise buildings within the precinct may be required to demonstrate how impacts can be mitigated. Furthermore, Policies 5.5.9.2 h) and k) are site specific instances where the height and density in policy 5.5.9.2 b) has been exceeded. In our opinion, as described in the following sections (5.4 and 5.5), the proposal is appropriate and the built form impacts have been appropriately mitigated to an acceptable level.

In addition, the Adopted OP designates the subject site "Urban Centres" and "Primary Growth Area". In our opinion, the adopted OP recognizes the subject site's strategic location within the Downtown Urban Growth Centre as well as its development potential within the City's downtown.

In response to the key policy directions adopted by City Council as part of the WHPS, it is our opinion the proposed development achieves the key policy directions since the proposal:

- Includes a podium that creates a built frontage and defined street wall along Lakeshore Road and Elizabeth Street;
- Provides active uses along Lakeshore Road and Elizabeth Street;
- Has a public walkway and active uses adjacent to Spencer Smith Park, with retail and service commercial uses at grade, built form along the property lines to animate the edges, and stepping of the podium to the waterfront trail;
- Contains retail, service commercial, office, and hotel uses;
- Has been designed as iconic buildings that respond to the site's important location with a new public pedestrian space at the foot of Brant;
- Has an elevated architectural, landscape, sustainable and urban design;
- Was reviewed by the BUD Advisory Panel who are supportive of the proposal;
- Improves public view corridors to Lake Ontario from Brant, Elizabeth, and John Streets;
- Enhances and improves the view corridor to the Brant Street Pier;
- Creates new publicly accessible space including a new mid-block north-south pedestrian connection from Lakeshore to Spencer Smith Park;
- Responds to the grade changes along the site's boundaries and enhances its interface with the park;
- Can accommodate a public washroom that is accessible and close to the park;
- Incorporates public art opportunities;
- Relocates the vehicle access to Elizabeth Street;
- Creates a pedestrian gateway to the waterfront at the north-west corner of the site;
- Locates all on-site parking underground; and,
- Includes TDM measures and can accommodate a bike rental/share hub, if required.

Based on the foregoing, it is our opinion that the site-specific amendment to the subject site is appropriate and desirable for the following reasons:

- It is consistent with the PPS and conforms to the Growth Plan and Halton Region Official Plan;
- It conforms to the overreaching policies of the OP that call for higher density mixed-use intensification in a compact transit supportive built form within the Downtown Urban Growth Centre and Mixed-Use Centre;
- It meets the evaluation criteria laid out in Policy 2.5.2(a) of the Plan;
- It will enhance this important location with landmark buildings that will enhance and urbanize the site.
- It represents a logical continuation of existing, approved, and proposed developments within the Downtown Burlington that provide for a higher form of mixed-use intensification on underutilized lands; and,
- It represents good planning practice and will promote the continued evolution of the Brant Street and Lakeshore Road intersection and the Downtown from a previous low-rise automobile-oriented area to a high-density transit supportive area.

5.4 Height, Massing, and Density

In our opinion, as noted in Section 5.3 above, the site is an appropriate location for mixed-use intensification in land use policy terms. From a built form perspective, it is our opinion that the subject site is a contextually appropriate location for a 35- and 30-storey building given its location within the Downtown Urban Growth Centre and Major Transit Station Area and the existing and planned intensification of the surrounding area.

From an urban structure perspective, the Urban Growth Centre in the in-force OP and recently approved New OP is identified as an intensification area where mid-rise and tall buildings exist, have been approved and are under construction, or have been proposed. The Downtown Mixed-Use Centre as identified on Schedule E of OP also includes many mid to tall buildings that are existing, approved and under construction. Within this context, the OP describes eight precincts within the Downtown Mixed-Use Centre. The subject site falls within the "Wellington Square Precinct", which is generally centrally located at the intersection of Brant Street and Lakeshore Road and described as a "concentrated area within the Downtown for taller, high-density development".

In our opinion, the proposed 35- and 30-storey buildings will fit harmoniously with other existing, under construction, approved and proposed mid-rise and tall-buildings within the Downtown as shown on **Figure 5**, Height Map, and in the table below.

From a height structure perspective, the subject site is located at the intersection of Brant Street and Lakeshore Boulevard where there is a cluster of existing, under construction, approved and proposed towers, which range in height of up to 29-storeys. It is also located at the terminus of Brant Street, the major spine of the Downtown, and Spencer Smith Park, regarded as the most important public space in the City. It is for these reasons that the subject site is a lardmark location that can accommodate additional height and density, subject to an appropriate urban design response and acceptable built form impacts.

The subject site is a contextually appropriate location for tall buildings given its location within the existing and planned intensification cluster at the intersection of Brant Street and Lakeshore Road and within the Wellington Square Precinct. The proposed 35- and 30-storey buildings are compatible with other completed, under construction, and approved tall-buildings in the surrounding area as shown on **Figure 5**- Height Map. Within the current OP policy framework, additional height and density can be permitted in the Downtown where it can be demonstrated to be compatible with surrounding land uses. The respective shadow, wind and our urban design analysis demonstrate that the increased height of the buildings and their impacts on the surrounding public spaces and properties are mitigated to an appropriate level. This further acknowledges that the City has recognized that additional height and density could be accommodated and may be achievable within the Downtown.

As is demonstrated in our urban design analysis, the overall building mass will be reduced through its articulated design and its setback and step backs from the streets and park. Further, the overall mass does not create any unacceptable light, view, or privacy impacts by providing a floor plate with a geometry that staggers units to maximize their access to views and sunlight. Additionally, the towers have been positioned to provide generous setbacks to streets, the park and each other. In this regard, the towers are setback a minimum of 7.5 metres to Lakeshore Road, 7.7 metres to Elizabeth Street, a minimum of 11.5 metres to Spencer Smith Park, and a minimum of 42 metres between the two towers, which demonstrates the subject site can comfortably accommodate two towers and the proposed setbacks protect access to light, view and privacy of the surrounding lands and public spaces.

Address	Max Height (Storeys)	Density	Parking	Type of Use	Distance / Direction from Site	Application Status
2025 Maria St, 2030 Caroline St & 510 Elizabeth St	17	405 uph 6.7 FAR	6 Level Above Grade & 3 Level Underground	Mixed	465 m N	Approved
2042, 2048, & 2054 Lakeshore Rd	22	Unknown	Unknown	Mixed	20 m E	Approved
374 Martha St	26	1,663 uph 12.2 FAR	6 Levels Underground	Mixed	206 m NE	Approved
421-431 Brant St	27	915 uph 11.24 FAR	4 Levels Underground	Mixed	282 m NW	Approved
452-454 Locust St & 1437-1445 Elgin St	6	224 uph 4.5 FAR	3 Levels Underground	Mixed	235 m W	Approved
2107 Old Lakeshore Rd & 2119 Lakeshore Rd	27	750 uph 10.5 FAR	5 Levels Underground	Mixed	295 m NE	Under Review
2093, 2097 & 2101 Old Lakeshore Rd, 2096 & 2100 Lakeshore Rd	27	923 uph 7.85 FAR	4 Levels Underground	Mixed	240 m NE	Appealed
2069-2079 Lakeshore Rd & 383-385 Pearl St	29	1,413 uph 11.1 FAR	5 Levels Underground	Mixed	38 m N	Appealed Awaiting OLT Decision
2082, 2086 and 2090 James St	18	713 uph 5.4 FAR	4 Levels Underground	Mixed	273 m N	Appealed
401-413 Brant St, 444-450 John St, & 2002 & 2012 James St	24	1,135 uph 10.0 FAR	5 Levels Underground	Mixed	216 m N	Appealed
535-551 Brant St	25	892 uph 7.56 FAR	4 Levels Underground	Mixed	642 m N	Appealed

Additional existing building heights in the area include:

- 395 Martha Street at 12-storeys
- 360 Torrance Street at 15-storeys
- 2030 Caroline Street, 510 Elizabeth Street, and 2025 Maria Street at 17-storeys
- 477 Elizabeth Street and 478 Pearl Street at 15 and 18-storeys, respectively

In our opinion, the proposed massing would represent an improvement in the quality of built form on the subject site, especially at its important location. The existing 6-storey hotel building with surface parking on the subject site represents a significant underutilization of land along at a key intersection within an Urban Growth Centre, Major Transit Station Area and Downtown neighbourhood. In contrast, the proposed mixed-use buildings would contribute to the continued urbanization to a compact transit supportive Downtown neighbourhood with a 35- and 30-storey mixed-use buildings that includes a 5-storey base that is oriented and focused on the streets and park frontages with grade-related active commercial uses. The 5-storey base is massed and scaled to reinforce and enhance the evolving street-related character of Lakeshore Road and includes a mid-block connection aligned with the terminus of John Street, while the upper levels are designed in a slender point tower form that is pulled away from the street lines and park with generous setbacks.

Overall, the proposed building will contribute to the sustained urbanization of the Downtown Urban Growth Centre and Mixed-Use Centre, in particular the clustering of tall buildings at the intersection of Brant Street and Lakeshore Road with a built form and design that is contextually appropriate and will reflect the evolving neighbourhood character as well as the Provincial and Regional policy framework. The proposal will enhance the site and appropriately respond to the site's landmark location, while being compatible with the evolving neighbourhood context.

Regarding density, it is our opinion that the proposed density of 7.76:1 FAR is appropriate and desirable for the subject site. It is crucial and desirable from a planning perspective to optimize land use and infrastructure on the subject site given its location within the Downtown Urban Growth Centre and Major Transit Station Area as well as its transit support and proximity to higher order transit and ability to accommodate intensification. As already discussed, the OP pre-dates the current provincial policy framework including the current and previous PPS (2014 and 2020), current Growth Plan (2019), as well as its previous amendments in 2012 and 2013. These updated planning policy documents emphasize the need to optimize land use and density on the subject site and surrounding areas, given its location within a strategic growth area within the Downtown Urban Growth Centre and within a Major Transit Station Area. This provides part of the rationale for increasing the height and density beyond the permitted maximum of 5.0:1 FAR. Furthermore, the OP recognizes several sites within the Downtown that exceed the maximum density, as described in Policies 5.5.8.2 j), k), l), m) and n). The densest of which is the north-west corner of Lakeshore Road and Martha Street with a maximum density of 12.2:1 FAR.

Based on the foregoing, it is our opinion that the proposed height, massing, and density are appropriate and desirable in land use planning terms.

5.5 Built Form Impacts

The housing intensification policies of the in-force OP require new development and redevelopment to be compatible with the scale, urban design, and community features of the neighbourhood (Chapter III, Policy 2.5.1 a) and compatibility is achieved with the existing neighbourhood in terms of scale, massing, height, siting, setbacks, coverage, parking, and amenity area so that a transition between existing and proposed buildings is provided (Chapter III, Policy 2.5.2). Policy 5.5.5 c) of Chapter III of the OP requires that all development and redevelopment shall be compatible with the existing character of the precinct with such matters as heights, setbacks, massing, design and community features.

In this regard, the subject site functions have public frontage on all sides including Lakeshore Road to the north, Elizabeth Street to the east and Spencer Smith Park to the south and west. The nearest low rise residential neighbourhood is located north-west of the subject site, being the St. Luke's Neighbourhood Precinct, which is located approximately 310 metres away. The proposal includes a 5-storey base that urbanizes Lakeshore Road and is lower than the podiums of the existing buildings to the east (at Elizabeth) and slightly taller than the low-rise commercial

buildings across Lakeshore Road. Although the proposal's base is taller than the 1-, 2- and 3-storey commercial buildings on the north side of Lakeshore Road, it is our opinion that the base is well articulated, includes an inset ground floor, and has a generous setback to Lakeshore Road, an already wide street. The base building also provides an animated and active edge along the site's park frontages. The 5-storey base is at a height that is appropriate and shorter than the existing 6-storey hotel building and is much more porous with an entrance along the western edge of the site and mid-block connection that allows pedestrians to connect from Lakeshore Road on the north to Spencer Smith Park and the lake on the south.

Similarly, the upper portions of the building are pulled back from the street lines and park in order to strengthen and enhance the base building and limit-built form impacts. In this regard, the proposed towers are slender point towers that range in floor plate size from 732 to 791 square metres. In our opinion, the defined podium and slender tower form is consistent with the scale, massing and siting of other recently constructed and approved buildings in the area. However, the proposal offers much more generous setbacks, which demonstrates that the ability for the subject site to accommodate slightly taller buildings (35- and 30-storeys versus existing buildings of up to 26-storeys and proposed buildings of up to 29-storeys).

Light, View, and Privacy (LVP) impacts are generally dealt with through a combination of spatial separation, orientation, and mitigating measures between buildings. In our opinion, the proposed building has been carefully considered to reduce the impacts on the surrounding streetscape, park, commercial uses, mixed use towers, and low-rise residential neighbourhood.

Sky View

The proposed building will result in no unacceptable sky view impacts, given the surrounding built form context. When viewed from the Lakeshore Road or Elizabeth Street, the proposed building will not create an enclosure that will limit sky views in any way, given the proposed slender tower floor plates, the width of the streets, and the generous setbacks from the streets (7.5 and 7.7 metres). In addition, the street wall portion of the podium is setback a minimum of 3.2 metres from the property line along Lakeshore Road and a minimum of 2.1 metres from Elizabeth Street, which reduces any potential sky view impacts. The towers are also separated by approximately 42.6 metres, allowing for sky views to be seen from the surrounding public realms (Lakeshore Road, Elizabeth Street, and Spencer Smith Park. In our opinion, pulling the towers away from the property lines, providing a significant separation distance between towers, and designing slender towers provides allows for the protection of sky views as viewed from the public realm.

Shadow Impact

In order to assess shadow impacts for the proposed development, a shadow study was prepared by NEUF Architects, as per the City of Burlington's new Sun Shadow Guidelines, June 2020. The study illustrates the shadows generated from the proposed development hourly from 9:00 AM to 6:00 PM in March and September, 8:00 AM to 7:00 PM in June, and 11:00 AM to 3:00 PM in December.

The Sun/Shadow Study provides a review of the proposed shadow impacts against the shadow criteria set out in the new Sun Shadow Guidelines, June 2020. The results are as follows:

Spencer Smith Park

- Through analysing the Sun Access Factors (SAF) for the applicable areas, the spaces maintain access to direct sunlight on an above-average basis. For the adjacent Spencer Smith Park, the access to direct sunlight between 9AM and 6PM on March 21st retains a SAF of 0.96. On September 21st between 9AM and

6PM, the SAF is 0.94. The SAF on December 21st between 11AM and 3PM is one, meaning no net shadows are cast on the park. Between 10AM and 2PM on the Fall Equinox, the park receives a zero net shadow area.

- Similarly, on the Spring Equinox, the park gets a zero net shadow area between 10AM and 3PM. Therefore, this proposal meets the criteria stipulated in section 4.4 of the Shadow Study Guidelines for Parks and Open Spaces, which require a SAF of 0.5 on each of these three test dates.
- When considering the shadow impacts on Spencer Smith Park under the criteria for Key Civic and Cultural Spaces in section 4.2 of the Shadow Study Guidelines, the proposed development does not meet the requirements, which require no new net shadows on both March 21st and September 21st between 10AM and 4PM. On March 21st at 4PM, the proposed development casts a mere 72.2 square meters of shadow at the southeast corner of the building. On September 21st, the proposed development casts 7.85 square meters of shadow on the park at 3PM, while at 4PM it casts 90.93 square meters of shadow. These values are minimal and not much greater than the existing shadows cast by the Waterfront Hotel at those times on those days of the year. Therefore, it can be concluded that the shadows that do not meet the Shadow Impact Criteria will have little impact.

The North Sidewalk of Lakeshore Road

- The sidewalk on the north side of Lakeshore Road is the sidewalk of the adjacent rightof-way that has been analysed to comply with the section 4.6 criteria of the Shadow Study Guidelines for the Public Realm and Sidewalks. For this sidewalk, the SAF on March 21st is 0.5. Notably, at 3PM on the Spring Equinox, the sidewalk adjacent to the proposal on the north side of Lakeshore Road receives no net shadow impacts. Moreover, this proposal meets the criteria, which requires a SAF of 0.5 on this test date.

The East Sidewalk of Elizabeth Street

- The sidewalk on the east side of Elizabeth Street is the second sidewalk of the adjacent right-of-way that has been analysed to comply with the section 4.6 criteria of the Shadow Study Guidelines for the Public Realm and Sidewalks. For this sidewalk, the SAF on March 21st is 0.5. Between the hours of 10 AM and 11 AM on the Spring Equinox, this sidewalk receives no new net shadows. Therefore, this proposal meets the criteria, which requires a SAF of 0.5 on this test date.

Private Outdoor Amenity Space

- For the proposed private amenity spaces, between 9AM and 6PM on March 21st, the area retains a 0.5 SAF meeting the criteria outlined in section 4.3 of the Shadow Study Guidelines for Private Outdoor Amenity Spaces. During the Fall Equinox, as noted between the hours of 9AM and 4PM on September 21st, the adjacent park receives a zero net shadow area. On the Spring Equinox, the private amenity space receives no net shadows from 9AM to 10AM. Consequently, this study demonstrates compliance with the Shadow Impact Criteria as described in the guidelines.

From a policy perspective, Policy 2.5.2 (a) (vii) of Part III of OP states that when evaluating proposals for housing intensification within established neighbourhoods, significant sun-shadowing for extended periods on adjacent properties, particularly outdoor amenity areas, is at an acceptable level.

With respect to the existing low rise residential neighbourhoods to the north-west), the study indicates that there would be no unacceptable shadow impacts throughout the year to the low-rise residential neighbourhoods. The shadow impacts on the low-rise commercial lands to the north are limited to the morning hours during the during the spring and fall equinoxes and are quickly moving given the slender point tower form. There is also very minimal shadowing to Spencer Smith Park at Elizabeth Street in the later afternoon in March and September 21st, which is more the result of the configuration of the site since any new development on the east portion of the site would cast a shadow during these times.

Based on the foregoing analysis, it is our opinion that the shadows created from the proposed development are adequately limited and at an acceptable level.

Wind Impact

A Pedestrian Wind Study was prepared by RWDI to investigate pedestrian wind comfort and safety within and surrounding the subject site, and to identify any areas where wind conditions may interfere with certain pedestrian activities so that mitigation measures may be considered. The pedestrian wind conditions for the proposal have been assessed through wind tunnel modeling techniques and based on the results, have concluded and recommend the following:

Based on wind-tunnel testing for the proposed development under the existing and proposed configurations, and the local wind records, the potential wind comfort and safety conditions and the associated wind speeds can be summarized as follows:

- The existing wind conditions on and around the site are comfortable for the intended pedestrian use throughout the year, except one location near the southwest corner of the existing building on site where conditions are uncomfortable during the winter.
- With the proposed building in place, increased wind speeds are predicted around the building due to the interception of strong winds at higher elevation and their subsequent redirection to the ground level. The predicted wind conditions are comfortable for the intended pedestrian use during the summer. In the winter, due to the seasonally stronger winds, uncomfortable conditions are predicted at various areas on around the project site.
- The pedestrian wind safety criterion is met at most of the assessed areas in the existing configuration except two locations. With the addition of the proposed development, this criterion is expected to be exceeded at a few grade-level locations.
- Testing was completed without any existing or proposed landscaping.
- Existing and proposed landscaping will help to reduce winds, especially during the summer months.

To mitigate the wind impacts resulting from the proposed development, the use of wind screens and coniferous/marcescent landscaping elements near the building corners and throughout the park area to the south have been recommended to diffuse the energy of accelerating winds.

To reduce winds in the breezeway the addition of overhead/trellis structures would help to diffuse down washing winds off the tall facades. Also including screens or plantings to the north and south of the plaza would disrupt predominate winds flowing into the space.

To shelter doorway areas where needed, RWDI have recommended to either recess the entrances or add screens/landscaping on both sides of the entrances. Examples of the proposed wind control solutions are provided in the RWDI report.

5.6 Urban Design

In our opinion the form and pattern of development being proposed represents good urban design practice and is appropriate within the existing and emerging built form contexts and responds appropriately to its adjacencies. From an urban design perspective, the proposed development will improve the built form relationship and the streetscape along Lakeshore Road, Elizabeth Street and Spencer Smith Park, and provide new connections and public realm elements. The proposal will improve the interface with the public realm and provide a compact built form that is transit supportive and pedestrian oriented. Additionally, the development proposal fits within the existing and approved surrounding uses which are dominated by existing and future high-rise and high density uses.

Urban Design Context

Within the context of the Downtown, the subject site is located at ground zero. It is located at the eastern boundary of Spencer Smith Park, the anchor and iconic public resource of the City and Downtown. It is also at the intersection of the Downtown's two most prominent streets. As one of the City's principal streets and essential organizing elements from an urban structure perspective, Brant Street serves as the spine of the Downtown Core. As such, Burlington's Downtown is characterized by the increase in density clustered along Brant Street which function's as the City's principal street, expanding east and west and closer to the water's edge. If Brant is the City's North-South spine, Lakeshore Road is it's east-west counterpart. Like Brant

Street, Lakeshore Road is characterized by clusters of mid-rise and tall buildings that occur more often closer to Brant and less often as one travels to the eastern and western edges of the Downtown and beyond. Accordingly, it is at the intersection of Lakeshore Road and Brant Street where the largest cluster of tall buildings exists, including where the tallest approved buildings in the Downtown are located. Much of the area outside the Downtown is characterized by low-rise residential uses, clearly delineating the boundary between these two urban structure elements.

Many of the buildings closer to the waterfront, especially along Brant Street, exhibit the traditional characteristics of a fine-grain Downtown "main street", including generally low-scale contiguous street wall consisting of commercial or mixed-use buildings, broken up by diverse architectural treatments and styles that are reflective of the time period in which they were built. This pattern is evolving, especially along Lakeshore Road, where new buildings have a clearly delineated building base that frames the street with active uses and taller elements pulled away from the street in a slenderer form. This is evident in the recently constructed Bridgewater development (2042, 2048 and 2054 Lakeshore Road), under construction Adi Development at 374 Martha Street and Carriage Gate proposal at 2069 Lakeshore, all of which offer defined podiums with upper tower elements pulled back from the street line.

At the intersection of Brant Street and Lakeshore Road, the two north corners are framed by a continuous streetwall, while the south side is inconsistent with the park and existing at-grade parking on the subject site. The north-west corner is developed with 1-storey podium and tower pulled away from the street line. The north-east corner is made up of a number of parcels that are developed with low-rise (1- to 3-storeys) commercial buildings, which are continuous along Brant Street and more fragmented along Lakeshore Road East. John Street also breaks up the block on the north side of Lakeshore, reinforcing the fine-grained block pattern.

In this regard, the Subject Site is physically and visually separated from its street and park frontages, since it includes a driveway and surface parking along Lakeshore Road and Elizabeth Street and private areas along the site's park frontages. Redevelopment of the subject site provides an opportunity to improve the streetscape and park frontages, while promoting a built form character that supports a walkable Downtown and responds well to the pedestrian-oriented built form pattern and streetscape character closer to the waterfront. Urbanizing the subject site with an architecturally significant building that is designed to respond to its landmark location represents good urban design practice.

Urban Design Vision

Currently underutilized, the Subject Site presents an opportunity to introduce a development that has a more positive relationship with and brings prominence and vitality to the streetscape and public realm along Lakeshore Road, Brant Street, and Spencer Smith Park. The vision for the proposal is to redevelop and urbanize this prominent site with a pedestrian-oriented and street-related built form that is porous and true mixed-use buildings that blur the lines between the public and private realms.

The proposed development scheme will provide an urban design response that is respectful of the existing character of the streetscape with a wellconsidered approach to its general built form and architecture. Further, the proposal will create a public realm at grade supportive of its purpose by providing strong built form relationships to adjacent streets and park, which are animated and engaging.

Urban Design Strategies

The following urban design strategies provide a basis for achieving the vision for redevelopment on the subject site:

Responsive Built Form and Compact Urban Form

- Locating the base building parallel to Lakeshore Road, Elizabeth Street and the and providing a generous setback that enhances the existing streetscape character with ample space for public realm elements.
- Massing and locating the base building such that it frames the street and park with good proportions that do not dominate.

Fit withing Built Form Context

- Providing a building design that responds appropriately to the site's landmark location and in a form and function that is consistent and compatible with the emerging built form context.
- Locating, orienting and articulating the towers such that it mitigates perception of mass and limits-built form impacts, especially on the park, including stepping the tower back from the podium along all of the site's edges.
- Siting the tower elements to limit the effects of incremental increases in shadow on the public realm of nearby streets, parks and properties in both extent and duration.

Enhanced Public Realm and Streetscape

- Locating and designing parking and service functions of the development to limit their impact on the public realm, including improving the intersection of Brant Street and Lakeshore Road.
- Improving the public sidewalk along the site's west boundary.
- Providing mid-block connection that reinforces the fine-grained block pattern in the downtown.
- Providing enhanced pedestrian amenities along the Lakeshore Road and Elizabeth Street frontages to improve the utility of the public realm.

Active Frontage

- Providing grade related uses including retail uses at grade that are directly accessible from the public realm along all of the site's boundaries, especially Lakeshore Road and the Park at the west edge of the site.
- Creating human-scale and inviting building frontages that engage pedestrians and promote interaction with the public realm.
- Improving the public realm with design excellence and amenities that respond to the site's prominence.

Connectivity

- Providing a site arrangement that successfully integrates with the existing connections and built form patterns and improves linkages for pedestrian, cycling, transit and vehicular circulation.

Urban Design Policy Context and Response

In response to the policies in Section 6.1 and 6.2 of the OP, it is our opinion that the proposal conforms since:

- The proposed development will provide enhanced streetscaping along Lakeshore Road, suited to its function as a principle street.
- Along the Elizabeth Street, the proposal will enhance the streetscape with a generous sidewalk and additional space for paving, landscaping and other public realm amenities.
- The proposal has been designed to be compatible and fit well with the existing built form character by incorporating a 5-storey street related podium. The podium also provides a setback along the Lakeshore Road and Elizabeth Street frontages that is more generous than the existing buildings on the north side of Lakeshore Road and east side of Elizabeth Street but will be utilized for streetscape elements but does not create an inconsistent street line since they're separated by streets.

- The towers are setback from all facades of the podium to differentiate it from the base building and allow the podium to establish a human-scale street wall that is appropriately scaled to fit within the context of the adjacent buildings.
- Pedestrian-scaled articulation within the podium in addition to the incorporation of glazing and an inset ground floor plane that will activate the frontage at grade. The proposal will also introduce public realm improvements, especially landscape improvements that will see the maintenance of the existing double row of street trees and new trees along the site's two street frontages.
- The architectural design of proposal is excellent and responds to the site's prominent location as well as being responsive to that of the existing context and the surrounding developments that have been recently approved. The building will be a high-quality addition to the Wellington Square/Downtown Core precincts through the use of materials and architectural articulation that reference the masonry of the existing low-rise buildings in the podiums while incorporating a contemporary design treatment and a lighter materiality in the tower to create a positive contribution to the skyline.
- From an urban design perspective, the proposed development considers sustainability objectives in a variety of ways including redeveloping an underutilized, auto-centric site with a pedestrian-oriented built form typology that is supportive of transit and active transportation, providing bike parking, introducing landscaping and green roofs as well as a significant amount of outdoor amenity space (11,027 square metres), some of which incorporates soft scaping.

Policy 6.3 of the OP deals with existing and new communities, emphasizing enhancements to existing community identities (Policy (a)), identification of gateways/ landmark locations (Policies (b) and (c)), requirements for design plans (Policy (d)) and the preference for compact development that is pedestrian-oriented and encourages the increased use of public transit (Policy (e)).

- In our opinion, the proposed development will enhance the community identity by providing a base building that appropriately frames and addresses the site's street and park frontages and towers that are stepped back from the podium and include generous setbacks that reduce built form impacts and protect sky views. Furthermore, the proposed building will fit well and create a landmark within the emerging tall building context and cluster of tall buildings at and near the Brant and Lakeshore intersection.
- The proposal represents a compact and transitsupportive built form. It introduces a pedestrianscaled base building with active uses at-grade that improves the site's form and function.

Policy 6.4 deals with public realm, encouraging the enhancement of public realm quality (Policy (a)), the introduction/improvement of linkages (Policy (d)) and streetscape improvements (Policy (e)) through design opportunities.

- In our opinion, the proposed development will greatly improve the streetscape quality by removing the driveway entrance and at-grade parking along Lakeshore Road and Elizabeth Street. It also enhances the site's park frontages by animating and providing public connections, including the incorporation of a mid-block connection aligned with John Street.
- The proposal's response to the streetscape and public realm algin with the prominence of the site and includes wide pedestrian boulevards, landscaping and high-quality pedestrian amenities such as bike racks, benches, opportunities for public art, and active and engaging uses.
- The proposed building will enhance the public realm by activating the street and park with pedestrian-scaled design elements and will repair the site's interface with the public realm by facilitating and encouraging connectivity to and through the site.

In our opinion, the proposal conforms with Policy 6.5 of the OP, since:

- The proposed development is compatible with the height, scale and form of the surrounding buildings. The Subject Site is located within the Downtown Mixed-Use Centre and Urban Growth Centre at a prominent location with an existing cluster of high-rise buildings and an emerging high-rise character of slender point towers sitting atop well-defined podiums. The proposed buildings takes the form of a point tower atop a pedestrian scaled podium and is generally consistent with contemporary tower design practices. In addition, the proposal provides an enhanced architectural design that responds to the site's prominent location.
- The proposal provides generous setbacks as a buffering measure to the adjacent low rise commercial buildings to the north, while also providing a contiguous street wall along Lakeshore Road and Elizabeth Street to maintain and enhance the character of the Downtown which is an appropriate urban design response for the surrounding context.
- The building has been designed to incorporate a pedestrian-scaled 5-storey base building that is set back to enhance the streetscape character. With respect to safety and access, the proposal locates loading and parking functions within the podium and away from the public realm.
- A physical break in the podium is provided at John Street to provide a connectivity and improve views to the lake. In addition. The west tower has been shifted east to improve view down Brant Street, as recommended by the BUD Advisory Panel.
- Retail uses are provided on the ground floor to line the site's street and park frontages with activity at grade and compliment the adjacent commercial uses.
- The proposed development has been designed with accessibility in mind and provides accessible walkways and entrances along all of its frontages.
- The proposed development incorporates transparent glazing, pedestrian-scaled lighting and patios near its entrances to promote safety and security and the ground floor design does not provide secluded or obscured areas.
- The proposal locates all parking below grade and away from public view to limit visual impacts and allow for the provision of a pedestrian friendly streetscapes.
- The main residential entrances are provided along the Lakeshore Road frontage and the hotel entrance is located along Elizabeth Street in order to support functions of the public realm and are clearly visible and accessible from the public sidewalks. The ground floors are inset to provide weather protection and add articulation to the façade.
- The base building is setback 3.2 metres from the property line, which provides a wide sidewalk zone, given the large existing boulevard along Lakeshore Road.
- Servicing, loading, waste and mechanical areas are located internally within the building and are therefore screened from the public realm.
- The proposal encourages alternative transportation modes through built form and streetscape design strategies. Some of the potential elements to be implemented include:
    - Promoting the use of transit and alternative transportation choices by providing transitsupportive density and uses.
    - Short term and long-term bicycle parking is provided to encourage cycling and reduce car dependency.
    - Selecting plants that are native and drought resistant and supportive of the ecological function of the Subject Site.

Further design guidance relating to each land use designation in the Urban Planning Area is contained in Part III of the OP. Section 5.4 and 5.5.1 of the OP provides the policy framework relating to lands designated Mixed Use Centre. In our opinion, the proposal conforms with the urban design policies of Sections 5.4, 5.5.1, and 5.5.12 since:

- The proposed development represents appropriate density and scale for the Downtown, particularly at the intersection of Brant Street and Lakeshore Road where there is a cluster of existing, under constructed, approved and proposed tall buildings, which are the tallest in the Downtown. The height permissions within the Official Plan are overly restrictive and are not reflective of the height and scale of development occurring within the Downtown and the Provincial intensification objectives. The Subject Site is centrally located and has a depth that provides for adequate separation distance between the proposed towers and its surroundings, including the park to south and west.
- The subject site is an appropriate location for tall buildings given the existing and emerging built form pattern, which includes towers at various locations with heights of up to 26-storeys under construction and 29-storeys proposed. The proposed building is comparable in height and scale to other recent tall building approvals within the area and is compatible the built form context of the Downtown, it also is large enough to accommodate additional height given the generous setbacks and its ability to anchor Spencer Smith Park.
- A Shadow Study was prepared by NEUF Architects to assess the shadow impact of the proposal on the surrounding properties and public realm based on the criteria outlined in the Shadow Study Terms of Reference June 2020. The study determined that there will be no unacceptable shadow impacts on key civic spaces, private outdoor amenity spaces, parks and open spaces, places where children play and public realm and sidewalks. With respect to the Spencer Smith Park, the study indicates that there would be minor incremental shadow impacts on the limited to the late afternoon in the spring and fall equinoxes generally at the boundary of the park at Elizabeth Street.
- A Wind Study was prepared by RWDI and provides that pedestrian level wind conditions are adequate or could otherwise be mitigated through wind mitigation and screening measures.
- The proposed development provides a continuous retail and active frontage along Lakeshore Road. While the hotel lobby is located along the site's Elizabeth Street frontage.
- The development proposal does not include any surface parking and locates loading and servicing within the podium and underground, away from the public realm and street frontages.

The urban design policies related to the Wellington Square Mixed-Use Precinct are provided in 5.5.9.2. In our opinion, the proposal conforms to these urban design policies since:

- It provides at-grade retail, service commercial, and active lobby spaces along Lakeshore Road and Elizabeth Street.
- The proposed base building provides a continuous and built form along the street lines with no surface parking. The base building is pulled away from the street line to provide additional space for streetscaping elements, given the public prominence of this site and its function as a people place.
- The proposal creates a north-south view corridor as an extension of John Street, which is unoccupied for the first four floors. In addition, the west tower has been pulled east to provide a wider sky view corridor along Brant Street.
- An Angular Plan Study was not prepared, since the nearest low-rise residential neighbourhood is located approximately 310 metres away from the subject site and well beyond the proposed height of 119.6 metres to the top of the mechanical penthouse.

The New OP is under appeal and the policies are not in-force. Similar to the OP, the New OP requires the completion of an urban design study to be completed in order to determine the appropriate development scheme for the subject site. As discussed throughout this report, it is our opinion that the WHPS has been advanced and establishes key design principles, which have been addressed in the development proposal and further discussed in Section 5.3 of this report.

As outlined in Section 4.12 of this report, the proposal meets the intent of the UDG. Furthermore, and similar to the WHPS, the UDG recognizes that the subject site can comfortably accommodate two towers and provide guidance on how to improve the site so that it provides an appropriate urban design response to it's prominent location. Accordingly, it is our opinion that the proposed development meets the intent of the UDG.

Section 4.13 of this report outlines the City's Tall Building Guidelines. In our opinion, the proposal meets the intent of the guidelines as per the following:

The following guidelines regarding the podium apply to the Subject Site:

- Guideline 2.1 – Podium Location
  - Lakeshore Road is identified as a retail street where a strong street wall exists. As such, the podium has been massed and located to frame the street and reinforces the established street wall by incorporating a generous setback from the north (front) lot line to accommodate a wide boulevard measured
- Guideline 2.2 – Podium Height and Massing
  - The proposed height of the podium (18.95 metres) occupies just over 60% of the adjacent right-ofway width and is less than the recommended maximum of 20 metres; the tower elements are setback rom the podium edge to create terraces.
  - The proposed street wall provides a height greater than the required minimum of 10.5 metres and provides 5-storeys that is appropriate and relates to the surrounding street wall heights, frames the streetscape and reinforces a human scale; the proposed floor-to-ceiling height of the ground floor is 5.8 metres which exceeds the minimum recommended 4.5 metres to accommodate internal servicing/loading and active commercial uses at-grade.
- Guideline 2.3 – Shadows/Sky Views
  - As demonstrated by the shadow study prepared by NEUF Architects, the height and massing of the podium allow for sunlight on the opposite side of Lakeshore Road and Elizabeth Street.
  - The podium will provide a minimum of 5 consecutive hours of sunlight over more than 60% of Spencer Smith Park during the equinoxes.
- Guideline 2.4 – Podium Design and Articulation
  - All sides of the podium have been designed with a high-quality architectural expression and materials.
  - The podium proposes materials such as opaque material cladding and spandrel and clear glass, that provide for a transparent and porous feel, which complements the site's waterfront location.
  - The portion of the podium roof on Level 5 proposes outdoor amenity area to provide interesting views from and to the street, lake and park.
  - The mixed-use podium is visually broken up into smaller components through the use of horizontal expressions and a physical break to reflect the proposed active retail/commercial spaces at-grade and visually reinforce the traditional fine-grained pattern of the downtown.
  - The main building entrances are clearly distinguished and inset.
  - The articulation and materiality of the podium will create diversity and highlight individual units; The ground floor retail podium consists of predominantly clear glazing (with opaque and spandrel accents) to provide visual connections between the public and private realm.
  - The ground floor provides multiple entrances and is inset to provide weather protection for pedestrians; no balconies are proposed within the podium, since it's utilized for commercial, office and hotel uses.
- Guideline 2.5 – Site Design, Open Space, and Streetscaping
  - All parking is located below grade and therefore screened from view.
  - The proposed loading spaces are proposed internally and are screened away from the street; Access to parking and servicing is provided from Elizabeth Street through an entrance that is well integrated into the building frontage.

The following Tall Building Guidelines apply to the tower elements for Subject Site:

- Guideline 3.1 – Tower Location
  - The proposed towers are well separated from the site's boundaries and exceed the minimum 3 metre setback from the podium and achieves a tower separation distance of 42.6 metres, which exceeds the minimum 25 metres.
  - The tower is setback from the podium a minimum of 5.5 along Lakeshore Road and Elizabeth Street to differentiate between the building and podium and respect the existing streetwall.
- Guideline 3.2 – Tower Height and Massing
  - The Subject Site is an appropriate location for tall buildings since it is located within the Downtown Core, at a prominent intersection, the terminus of Spencer Smith Park, and is within a cluster of other high-rise buildings.
  - Adequate transition is provided to surrounding land uses through the use of generous setbacks, physical separation distance, and tower location and orientation.
  - The proposed tower floor plates vary, due to the unique design, and range from 732 to 791 square metres only marginally exceeds the recommended 750 square metres and is still relatively slender. Small floor plate tower design promotes opportunities for sky view, minimizes shadow impacts and reduces perceived adverse visual impacts of height. In our opinion, the proposed floor plate size is consistent with the intent of this guideline and adds to the visual interest of the tower. The slight increase on a portion of the floors will not result in increased shadow impact and wind impacts and will have no effect in terms of light, view and privacy to surrounding streets, parks, open spaces, and properties and built form impacts. Further the proposed floor plate is contextually appropriate and comparable to other recently approved buildings in close proximity to the Subject Site, which also provide for towers of similar floor plate sizes, including 421 Brant Street (799 square metres) and 2025 Maria Street (855 square metres).
  - The massing of the tower and its relationship to the building base, including the provision of relatively generous tower setbacks provided
- Guideline 3.3 – Shadow/Sky Views
  - The design and placement of the tower has been carefully considered to reduce the impacts of shadowing on the surrounding streetscape and uses as shown in the Shadow Study submitted as part of the application package. The tower has been designed with a slender floor plate and has been located centrally with generous setbacks to the site's edges
- Guideline 3.4 – Tower Design and Articulation
  - The tower design and materials incorporate horizontal and vertical accents to create visual interest and distinguish the building from others in the downtown skyline, specifically the cluster of tall buildings surrounding the subject site. To that end, the design also incorporates ascending balconies to give the tower a "wavy" silhouette relating back to it's waterfront location.
  - The tower design incorporates glazing to minimize the perceived mass with opaque accents to define elements of the building.
  - Balconies ranging in size are proposed to provide additional articulation and useful amenity space for individual units.

The following Tall Building Guidelines apply to the Building Top for Subject Site:

- Guideline 4.1 – Rooftop Design and Articulation
  - The mechanical penthouse has been stepped back from the tower portion of the building along to reduce the building profile, while forming it into the tower.
  - The mechanical penthouse has been designed to appear as an extension of the principal tower.
- Guideline 4.2 – Mechanical Penthouse
  - The mechanical penthouse has been designed, located to be screened from view in order to protect or enhance views from other buildings and the public real.
  - The mechanical penthouse has been stepped back from all sides of the building facade.

In our opinion, the proposal and its various base, tower, and top building elements, achieves the intent and purpose of the Tall Building Design Guidelines.

In our opinion, the form and character of development represents good urban design. The proposed built form appropriately fits within the surrounding context of the Downtown, at this prominent location. The mixed-use proposal of residential and hotel combined with retail and office uses brings additional vitality and complementary activity to its downtown location and will be highly compatible with adjacent land uses. The podium's 5-storey frontage creates a high quality and contemporary facade that animates the site's street and public park frontages. The architectural design is impressive and appropriate for this landmark location. Widened sidewalks and connections provide sufficient space for streetscape improvements and allows for circulation around and through the site. The tower is well set back from the podium edge to establish a pedestrian-scaled street wall, mitigate shadow and wind impacts and provide separation and transition to the surrounding uses. Key views are enhanced, and the building effectively frames a key segment of Lakeshore Road, Brant Street, John Street and Elizabeth. The proposal aligns with the intent of the Tall Buildings Guidelines and UDG and conforms to the urban design policies of the OP.

5.7 Transportation

Paradigm Transportation Solutions Limited ("Paradigm") was retained to conduct a Transportation Impact Study, Parking Study, and Transportation Demand Management ("TDM") Options Report for the proposed redevelopment. The purpose of this study was to determine the net impacts of the development traffic on the surrounding road network, document the adequacy of the proposed parking supply and provide options for reducing personal vehicle use through TDM policies. The study also identified improvements, if needed, to support the development of the subject site.

Traffic and Roads

Overall, the proposed development is projected to generate approximately 304 new vehicle trips during the weekday AM peak hours and 340 new vehicle trips during the weekday PM peak hours. The capacity analysis showed that deficiencies currently exist for some sections along Lakeshore Road which are anticipated to be triggered with growth in traffic.

The resulting increase in traffic can, however, be accommodated within the existing road network, and much of the congestion that may appear in the network is due to regular background growth. Constrained turning movements are typical of urban areas such as Downtown Burlington and road users in such environment generally have an increased tolerance for higher levels of traffic congestion.

Overall, Paradigm found that the combined transportation-related and land use changes will result in some vehicle operational impacts, whether delay- or queuing-related. However, these are likely to be mitigated with the proposed improvements related to walkability and active transportation. The project would also provide improved access to the waterfront by enlarging and enhancing the Waterfront Trail to provide a significant access point with Lakeshore Road.

Parking and Transportation Demand Management

The parking requirement for the proposed development according to the existing Zoning By-Law is based on a rate of 1.25 residential parking spaces per unit (resident), resulting in a requirement of 697 parking spaces. In total, 598 parking spaces would be provided consisting of 557 spaces for residents and 41 spaces for the mixed-use components at a rate of 1.074 spaces per unit. The 1.074 spaces per residential dwelling unit is inclusive of parking to be shared between the mixed-use non-residential uses and visitor parking. In total 41 spaces will be allocated for mixed-use non-residential spaces and visitor parking. The proposed parking ratio results in a difference of 99 spaces between what is currently regulated in the Zoning By-law, and what is proposed through the Zoning By-law Amendment.

The study area also falls within a "Downtown Parking Exemption Area" according to the Zoning By-law, which recognizes the high-density, mixed-use development of the area (see **Figure 36** - Downtown Parking Exemption Area). Parking requirements within this area have been updated to reflect the general oversupply of parking required in the Zoning By-Laws.

According to Paradigm, parking regulations have traditionally been driven by auto-centric engineering models, which do not reflect current Provincial and Regional policy directions and TDM options. Over the past seven decades, the built form in Burlington has evolved significantly. According to Paradigm, "recent changes in transportation technology and services, characterized by ride-hailing and automobile sharing, and the emerging technologies dominated by autonomous vehicles (AVs) suggest that automobile ownership is likely to experience declines in

the future". In addition to an anticipated decline in automobile usage, Paradigm also summarized several of the City's intents with respect to TDM options and other transportation-related policies. Specifically, things like encouraging active transportation, autonomous vehicle hailing, mitigating climate change, related risk in reducing minimum residential parking requirements.

In addition, the proposed development will also implement a suite of TDM option to further reduce the dependency on vehicular travel, which include:

- Active uses at grade along street frontages;
- Building owner will charge parking as a separate cost to occupants; and
- Welcome Packets including information regarding alternative mode use in the area.

The TDM options and the surrounding and proposed transportation context will provide residents with a range of mobility choices other than strict dependence on privately-owned vehicles and will support an appropriate parking supply in the building. Overall, Paradigm recommended that owner/Applicant implement the above-mentioned TDM measures in order to curb dependency on vehicular traffic and create a balanced needs approach that encourages alternative modes of transportation rather than focusing solely on vehicle operations. Lastly, they recommended that the City continue to monitor operations along Lakeshore Road and continue to coordinate the signal progression of the broader corridor to manage the flow of vehicles into the Downtown to help reduce congestion at reduce delay.

5.8 Servicing, Grading and Stormwater Management

S. Llewellyn & Associates Limited ("SLA") was retained to provide consulting engineering services for the proposed development and prepare the required Functional Servicing ("FSR") and Stormwater Management ("SWM") Report. The purpose of the FSR and SWM report was to outline the functional servicing strategy for the proposed overall development, and to provide detailed information on the proposed servicing scheme.

Stormwater Management

The subject site and proposed development are proposed to be serviced using a private storm sewer system designed and constructed in accordance with the standards and specifications of the City of Burlington, directing all captured stormwater runoff to Lake Ontario. A catchment area (i.e. Catchment 201), has been identified in SLA's report under "Proposed Conditions". Catchment 201 represents the drainage area for the site which will discharge to the adjacent storm sewers on Elizabeth Street and the Waterfront Trail, ultimately discharge to Lake Ontario.

Stormwater quantity control for the proposed development is not proposed due to the close proximity of the site to Lake Ontario. Given the size and capacity of the existing municipal storm sewers servicing the site, post development peak storm flows will discharge the site, enter, and be conveyed through the municipal storm sewers to Lake Ontario prior to the upstream watershed peak flows reaching the point of confluence.

Stormwater quality control for the proposed development is also not proposed since all stormwater drainage on-site will be captured by roof and walkway areas, which are considered "clean runoff".

Sediment and Erosion Control

Sediment and erosion control measures were also assessed for the proposed development. In order to minimize erosion during the grading and site servicing period of construction, the installation of sediment control (silt sacks) in the nearby existing catch basins is required in order to ensure that no untreated runoff enters the existing conveyance system, and all disturbed or landscaped areas must be stabilized with hydro seeding/sodding to minimize the opportunity for erosion.

Sanitary Servicing

The development is proposed to be serviced by a 200-millimetre diameter sanitary sewer lateral, designed, and constructed in accordance with the Region of Halton standards and to be submitted and approved by the MECP. Drainage from this sewer would then discharge to the existing 450-millimetre diameter sanitary sewer along Lakeshore Road. The sanitary sewer design reflects the proposed sanitary demands identified in Table 3.2 of the FSR, which determined that the existing sanitary network has adequate capacity to service the proposed development.

Overall, the proposed sanitary servicing system will be installed as per the Preliminary Site Servicing Plan submitted with the application and adequately service the proposed development.

Water Servicing

The development is proposed to be serviced via a 150-millimetre diameter watermain which will be split at property line to provide a 100-millimetre diameter domestic and 150-millimetre diameter fire water service for the proposed development. Water services for the site are to be designed and constructed in accordance with City of Burlington and Region of Halton standards. It is noted that the proposed water service connection may require a precast concrete valve chamber containing three isolation valves connecting to the existing 300-millimetre diameter watermain on Lakeshore Road, as per Region of Halton standards, which will be confirmed at the time of the Regional Services Permit application review.

In addition, a hydrant flow test was performed on the private fire hydrant located at the northwest corner of the John Street and Lakeshore Road intersection to determine the performance of the existing water distribution system. The hydrant flow test data was then analyzed to determine if the municipal system adjacent to the subject site was adequate to provide the required fire flow, with a minimum pressure of 20 psi.

Overall, the proposed water servicing system will be installed as per the Preliminary Site Servicing Plan submitted with the application and adequately service the proposed development.

5.9 Noise and Vibration

Environmental Noise and Vibration

The Owner retained dBA Acoustical Consultants Inc ("dBA") to conduct an Environmental Noise Impact Study ("ENIS") for the subject site. The purpose of the ENIS was to determine the noise impacts from Brant Street and Lakeshore Road vehicular traffic and the stationary noise that may impact the proposed development. The ENIS detailed noise impacts relative to the concept site plan and resulted in recommendations related to noise control measures as necessary to meet the Ministry of the Environment and Climate Change's ("MOECC") Environmental Noise Guideline - Stationary and Transportation Sources (NPC-300). Guideline NPC-300 is a guideline on the proper control of sources of noise emissions to the environment.

Vibration was not considered as part of the ENIS, as there are no heavy industry or railway lines within the required setback distances. Furthermore, there are no Canadian National Railway or Canadian Pacific Railway Rail corridors within the setback requirements; therefore, rail is not a concern with respect to noise and vibration. The ENIS also found that aircraft is not a concern as the development is located outside the Noise Exposure Forecast ("NEF") 25 contour of the nearest area Airports.

Predicted road traffic noise levels were calculated for Lakeshore Road and Brant Street, the main road noise sources in proximity to the subject

site. Lakeshore Road was considered as two separate road segments for the ENIS. Calculated noise levels were modeled at 15 different receptor locations representative of the Plain of the Window ("POW") from the building facade for specific residential units. The ENIS found that area roadways have no acoustical impact on the proposed site due to low speed and traffic volumes.

Outdoor living areas were assessed for their susceptibility to noise impacts. The ENIS found that outdoor pool, seating area, and walkway located on the 5th floor of the west tower do not exceed 55 decibels, which is the accepted noise level for exposure for human comfort and safety. Balconies and the proposed bridge between the east and west towers were also deemed to be sufficient in terms of noise mitigation.

With respect to indoor noise levels, the nighttime road noise levels at the POW exceed the acceptable 50 dBA criteria for these sources. As such, specific building components (walls, windows, doors etc.) are required and must adopt the Sound Transmission Class ("STC") method.

Overall, the ENIS found that the development can be accommodated from a noise impact perspective, and resulted in the recommendation of the following noise control measures in order to satisfy the indoor and outdoor noise level criterion:

- The provision of Central Air Conditioning for all residential units;
- The construction of walls following the recommendations found in Table 8 of the ENIS;
- That Type "A" and "D" Warning Clauses be applied on title for all residential units throughout both towers;
- That generators, garage vents, intake and exhaust vents be confirmed for their noise output ensuring that their noise levels do not to impact residential units or other neighbouring properties;
- That a 1.22 metre safety glass barrier or equivalent be provided along the green roof, and the outdoor amenity areas on the 2nd and 5th floors of the west tower, and the same for 2nd floor outdoor green roof amenity area on the east tower

Construction Noise And Vibration

With respect to construction, Lanhack Consultants Inc ("Lanhack") was retained to prepare a construction and mobility management plan ("CMMP"). The purpose of the CMMP was to program for the planning, organization, and construction activity for the proposed development on site, while addressing a variety of related construction matters including: traffic and pedestrian control measures; hours of operation; noise control; haulage route of construction vehicles; air and dust management; stormwater and sediment control; tower cranes; trade parking; waste management; staging of construction vehicles; vehicle wash-down; site setup, including sanitary facilities, site offices, material storage, and staging; emergency contact information; public communication; servicing. In this regard, the following protocols will be implemented during construction with respect to noise and vibration:

- Haulage Routes:
  - Haulage routes will utilize approved truck routes to mitigate disturbance to area residents and businesses, as well as ensure sufficient road allowances for larger construction vehicles.
  - During peak construction period and over the total of approximately 43 months there will be an expected average of 50 hauling vehicles per day.
  - 2 full-time traffic controllers will be stationed to safely monitor and guide vehicular and pedestrian activity and will remain available for the duration of the project.
- Hours of Operation:
  - 7:00 am to 6:00 pm, 5 days a week (Monday to Friday).
- Dust, Air, and Noise Management:
  - Temporary Construction Fencing (1.8-metres high) will be erected prior to the start of construction and will be draped with dust control fabric. The dust control fabric will be inspected daily and repaired as required.

- At no time will equipment/trucks be idling except by concrete trucks and concrete pumps. The idling from concrete trucks and concrete pumps will be monitored and kept to an absolute minimum.
- o The proposed development will be constructed with pre-cast panels and floors with minimal forming.

- Demolition:
  - Demolition of the existing structure will occur prior to any site excavation.
  - The demolition will take approximately 3 to 4 weeks.
  - All vehicles will be utilizing Staging Area # 1 as denoted in the CMMP for access, queuing, and exiting.
  - Excavation for the underground parking garage will commence immediately after the existing structure and foundation is removed offsite.

Overall the CMMP provided an assessment of each of the above construction-related matters, amongst other matters, and proposed solutions to mitigate unnecessary risk and interference to the public. At all times, the construction management guidelines set out in the CMMP will recognize the immediate and overall surroundings and will be sensitive to the neighbourhood to minimize any impact to local businesses and residents. The CMMP will utilize truck routes for construction vehicle routing, and on-location review and monitoring of CMMP with City personnel will be held to make necessary revisions during the construction, as necessary.

5.10 Trees and Landscaping

With respect to trees and landscaping, Jackson Arboriculture Inc ("Jackson") and Adesso Design Inc ("Adesso") were retained to prepare a Tree Inventory and Preservation Plan Report Landscaping Plans, respectively, for the proposed development.

Jackson's Tree Inventory and Preservation Plan Report Landscaping Plan / Report found that there is a total of 53 trees on subject site, within the road allowances and on neighbouring property within 5 metres of the site's property boundaries. The trees included in the inventory appear to be landscape plantings, comprised of the following species:

- Honey Locust cultivar (Gleditsia triacanthos var. 'inermis'),
- Blue spruce (Picea pungens),
- Red Oak (Quercus rubra),
- Red Maple (Acer rubrum),
- Manitoba Maple (Acer negundo),
- Austrian Pine (Pinus nigra),
- Apple species (Malus sp.),
- Serviceberry species (Amelanchier sp.) and
- Columnar English Oak (Quercus robur 'fastigiata').

No rare, threatened, or endangered tree species were documented in the tree inventory. Overall, 4 trees are proposed to be preserved on site, with an additional 24 trees being preserved within the City's road allowance/ boulevard along Lakeshore Road. In total, 49 trees identified in the tree inventory must be removed in order to accommodate the proposed development. Jackson has provided the following recommendations in order to mitigate the impacts to trees identified for preservation:

- Tree protection fencing must be installed at locations outlined prior to the commencement of demolition.
- Tree protection fencing must be installed at the distance as outlined in Jackson's report.
- Once tree protection fencing has been installed it must not be moved, relocated, or altered in any way (unless repairing fallen fence etc.) for the duration of the construction period.

- No intrusion into an area identified as a tree preservation zone ("TPZ") is allowed at any time during construction.
- No storage of machinery, construction debris, materials, waste, or any other items is allowed within a TPZ.
- Any tree branches (and roots) that conflict with proposed development must be pruned by a Certified Arborist in accordance with acceptable arboricultural practice.
- Tree protection fencing should be inspected by a Certified Arborist prior to and during construction to ensure that the fencing remains intact and in good repair throughout the stages of development.

In order to mitigate the effects of the tree removals on site, Adesso has prepared a comprehensive landscaping plan to not only replace some of the trees lost on site, but also to enhance the overall plantings on site and to create a unique outdoor space at grade an on upper levels of the development, where applicable.

In this regard, landscaping includes:

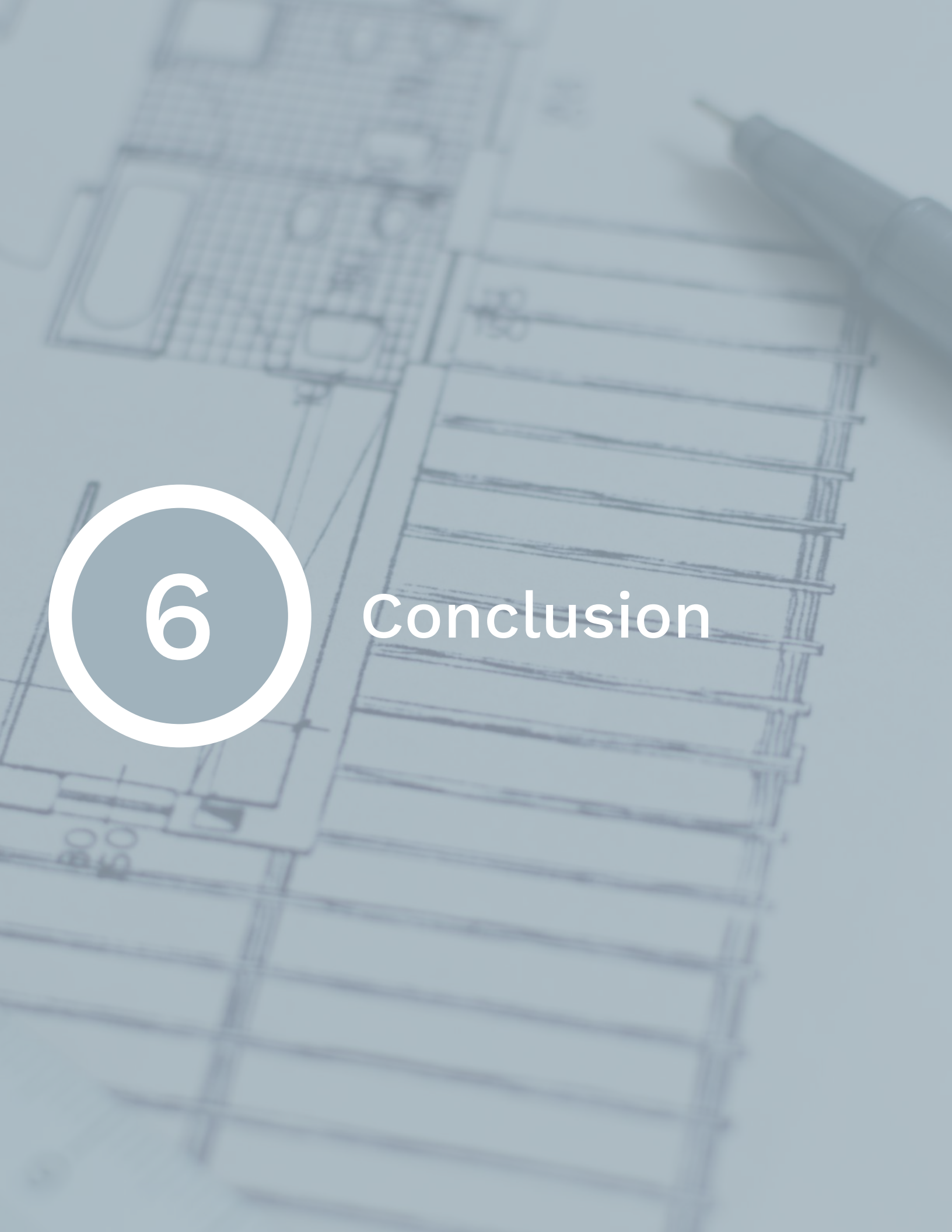
- Patio space for commercial units on the west side;
- Connections to the Waterfront Trail on both the west and south sides;
- Installation of benches and bike racks;
- Construction of a new retaining wall;
- Preservation of existing trees in southwest corner of site;
- Planting of small trees in raised planters along east side abutting Elizabeth Street;
- Construction of boulevard planters with perennials;
- Space for public art installations within the breezeway;
- Water feature/water spray area within the breezeway;
- Installation of seasonal planters;
- Additional tree plantings inside of tree grates within the breezeway;
- Wide central staircase with accessible ramps within the breezeway;
- Installation of wooden platform benches within the breezeway;
- Installation of precast concrete cubes for decoration and additional seating;
- Installation of raised planters in south end of breezeway;
- Enhanced plantings and seating along Lakeshore Road;
- Decorative metal patio fencing around patios on lakeshore Road;
- Extensive landscaping and planting features on the 2nd floor outdoor areas including shade structures;
- Decorative landscape lighting; and
- Extensive landscaping and planting elements on the 5th level rooftop area, including a hot tub and pool.

5.11 Housing

WSP Canada Inc ("WSP") was retained to prepare a Housing Impact Statement ("HIS") for the proposed development. Generally, Housing Impact Statements are intended to assess how the proposal contributes to achieving the Region's housing targets, including identification of any proposed new affordable or assisted housing units; how the estimated rents and/or initial sales prices of the development are at or below the affordable housing thresholds by type; where construction of the units is expected to occur in phases, information regarding the number of affordable housing units to be provided per phase, where applicable; and, the proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

There are no affordable or assisted housing units proposed as part of the development. The WSP analysis, therefore, focused on how the proposal contributes to achieving the Region's housing targets.

Overall, many of WSP's analysis concurred with the policy analysis provided within this Planning and Urban design rationale Report. Specifically, that the subject site and resulting development is located within a Strategic Growth Area, and with an existing MTSA, which is where growth and intensification are to be directed, as per the Region of Halton Official Plan policies. Overall, WSP concluded that the proposed development would help to achieve Regional housing targets, This will be achieved by contributing to the minimum housing target of 50% of all new housing being within in the Built-Up Area annually as part of a townhouse or multistorey building typology. Furthermore, the development proposal would help to achieve the City's assigned unit and population minimums to 2031 planning horizon and by extension 2051 targets once they are assigned.



6 Conclusion

For the reasons set out in this report, it is our opinion that the proposed development will appropriately intensify an underutilized site, improve the streetscape along Lakeshore Road and provide new mixed-use development that would fit harmoniously with the existing and planned built form context and will be compatible with the height and massing of existing and approved development in the Downtown Core precinct.

From a planning policy perspective, the subject site is an ideal location for residential intensification, given its prime location within the Downtown Burlington Urban Growth Centre and within a major transit station area associated with the Downtown Burlington Bus Depot, which is located approximately 140 metres from the site. The subject site situated at the foot of the Brant Street and Lakeshore Road intersection will also provide optimal views of Lake Ontario as well as all of Burlington. The proposal conforms with the Halton Region Official Plan, particularly the land use, intensification, and Urban Growth Centre policies. The proposal conforms with the intensification, housing, and mixed-use centre, and Downtown mixed-use centre policies of the OP, which envision an urbanization of the city, especially in the Downtown Urban Growth Centre. However, a site-specific amendment to the Wellington Square Mixed Use Precinct policies of the OP is required in order to increase the height and density of the subject site beyond the maximum 8-14 storeys and 5.0:1 Floor Area Ratio. In our opinion, the proposed density is appropriate and desirable for the subject site. Furthermore, it is our opinion that the requested zoning is consistent with the Provincial Policy Statement and conforms with the Growth Plan, in particular the policies promoting the efficient use of land and infrastructure, and intensification within "Urban Growth Centres".

From a built form and urban design perspective, the proposed base building will appropriately frame the Lakeshore Road edge and contribute to an improved pedestrian environment along not only Lakeshore Road but also the adjacent waterfront trail and Spencer Smith Park. The upper building is slender and pulled back away from the street to minimize built form impacts and further define the base building. The proposed height will fit into the broader urban structure and is in keeping with range of heights in the surrounding area. The proposal conforms with the built form and massing policies of the OP and is in keeping with the relevant urban design guidelines.

From a planning policy perspective, overall, the proposed Official Plan and Zoning By-law Amendments and resulting redevelopment of the subject site:

- are consistent with the Provincial Policy Statement;
- conform with the Growth Plan for the Greater Golden Horseshoe;
- conform to the in-force Region of Niagara Official Plan
- generally, conform to and meet the intent of both the in-force City of Burlington official Plan and the under-appeal new Burlington Official Plan;
- have been designed with regard to the City's Urban Design Guidelines; and
- represent good planning in an efficient configuration for the subject site, the Downtown, the waterfront, and the City.

Accordingly, it is our opinion that the Official Plan and Zoning Bylaw Amendment applications are appropriate and desirable in planning and urban design terms and should be approved.

Respectfully Submitted,

Bousfields Inc.
David Falletta, MCIP, RPP





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